THE UNREPEALED ACTS

OF THE

LIEUT.-GOVERNOR OF BENGAL IN COUNCIL.

EDITED,

WITH CHRONOLOGICAL TABLE, NOTES, AND INDEX,

BY

FREDERICK CLARKE, Esq.,

BARRISTER-AT-LAW.

Calcutta:
THACKER, SPINK & CO.
BOMBAY: THACKER & CO., LD. MADRAS: HIGGINBOTHAM & CO.
LONDON: W. THACKER & CO.

1878.

BENGAL LIBRARY

349.5401
C597

CALCUTTA
CALCUTTA CENTRAL PRESS COMPANY, LIMITED,
5, COUNCIL HOUSE STREET.

1045

UNREPEALED ACTS

OF THE

LIEUT.-GOVERNOR OF BENGAL IN COUNCIL.

PREFACE.

THIS Edition contains the unrepealed Acts of the Lieutenant-Governor of Bengal in Council. The text of the Acts has bee revised on the plan adopted in the Government Edition of th Indian Statute Book, *viz.* :—

(*a*) Repealed portions of Acts have been omitted.

(*b*) Where an Act directs that a section, a clause, or words be inserted in a former Act, in reprinting the former Act the insertion has been made.

(*c*) Where one Act refers to another, and such reference is directed by a subsequent Act to be read as if made to the latter Act, the number, year, and title of the latter Act have, as a rule, been substituted.

(*d*) In some instances marginal notes have been added; others, they have been shortened or corrected.

A list of contents has been prefixed to several of the more lengthy Acts, and some of these Acts have, for convenience of reference, been divided into Parts with separate headings. Many lengthy sections have also been divided into paragraphs.

Notes of decisions of the High Court have been given under the sections of the different Acts to which they refer, with the exception of Act VI of 1862 (to amend Act X of 1859), and Act VIII of 1869 (the Landlord and Tenant Procedure Act.) The cases decided under these Acts are already collected in Mr. Bell's *Law of Landlord and Tenant.*

When an Act has been extended to any place or district by the Bengal Government, a reference to the volume of the *Calcutta Gazette,* which contains the notification of such extension, has bee given under the section which authorizes the extension. No have also been given of all delegations by the Governor-Gen

in Council to the Chief Commissioner of Assam of powers ferred by Bengal Acts; and reference has been made to tions in the *Assam Gazette* of extensions of Bengal Acts by Assam Government.

Prefixed are a list of the Acts contained in this Volume, an a Chronological Table, which enumerates all the Acts, repealed and unrepealed, of the Lieutenant-Governor of Bengal in Council, and shows whether a given Act has been repealed wholly, in part, or locally.

In an Appendix are printed the Regulations relating to territories subject to the Bengal and Assam Governments which have been framed under the English Statute, 33 Vic., Cap. III.

F. C.

MBERS AND TITLES OF ACTS CONTAINED IN THIS VOLUME.

ACTS OF 1862.

Page.

Act No. III.—An Act to amend Act XI of 1859, (to improve the law relating to sales of land for arrears of revenue in the Lower Provinces under the Bengal Presidency) 1

" " V.—An Act to provide for the Periodical Survey of Steam Vessels in the Port of Calcutta 2

" " VI.—An Act to amend Act X of 1859, (to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal) 9

" " VII.—An Act to repeal section 30 of Regulation II of 1819 (for modifying the provisions contained in the existing Regulations regarding the resumption of the revenue of lands held free of assessment under illegal or invalid tenures, and for defining the right of Government to the revenue of lands not included within the limits of estates for which a settlement has been made) 17

" " VIII.—An Act to improve the system of Zemindary Daks in the Provinces subject to the Government of Bengal ... 18

ACT OF 1863.

Act No. II.—An Act to abate and prevent Nuisances arising from the smoke of Furnaces in the Town and Suburbs of Calcutta ... 21

ACTS OF 1864.

Act No. II.—An Act for the regulation of Jails and the enforcement of discipline therein 24

" " IV.—An Act to amend Act XXI of 1836 27

" " V.—An Act to amend and consolidate the law relating to the collection of Tolls on Canals and other lines of navigation, and for the construction and improvement of lines of navigation, within the Provinces under the control of the Lieutenant-Governor of Bengal 29

" " VI.—An Act to provide for the periodical inspection of Steam Boilers and Prime Movers attached thereto in the Town and Suburbs of Calcutta 35

" " VII.—An Act to amend and consolidate the laws relating to the Manufacture, Possession, Transport, and Sale of Salt in the Provinces under the control of the Lieutenant-Governor of Bengal 41

ACTS OF 1865.

Act No. III.—An Act to make better provision for the prevention of injury from fire in Ports, and to provide for the safe keeping of Inflammable Oils in Ports, and places within the Provinces under the control of the Lieutenant-Governor of Bengal ... 50

" " IV.—An Act for the prohibition of the practice of Inoculation in the Town and Suburbs of Calcutta, and in Towns to which Act III of 1864, passed by the Lieutenant-Governor of Bengal in Council, has been or shall hereafter be extended

ACTS OF 1865.—(*contd.*)

Act No. V.—An Act to amend Act II of 1864, passed by the Lieutenant-Governor of Bengal in Council, (an Act for the regulation of Jails and the enforcement of discipline therein) and to extend the provisions thereof to the Presidency Jail ...

" " VII.—An Act to make provision for the better regulation and supervision of Public Slaughter-houses in the Suburbs of Calcutta, and for the adoption of proper conservancy arrangements connected therewith 58

" " VIII.—An Act to amend the law for the sale of such under-tenures as by the Title Deeds or established usage of the country are transferable by sale or otherwise for the recovery of arrears of rent due in respect thereof 61

ACTS OF 1866.

Act No. I.—An Act to amend certain provisions of Regulation VI of 1819 (for rescinding Regulation XIX, 1816, and for enacting other provisions in lieu thereof) 66

" " II.—An Act to provide for the better regulation of the Police within the Suburbs of the Town of Calcutta 70

" " III.—An Act to provide for the attendance and examination of witnesses before the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations 85

" " IV.—An Act to amend and consolidate the provisions of Act XIII of 1856 (for regulating the Police of the Towns of Calcutta, Madras, and Bombay) and of Act XLVIII of 1860, (to amend Act XIII of 1856) 91

" " V.—An Act to make better provision for the regulation of Hackney Carriages and Palankeens in the Town and Suburbs of Calcutta 114

" " VII.—An Act to make better provision for the Acquisition of Land for Embankments, and other matters relating thereto ... 903

ACTS OF 1867.

Act No. II.—An Act to provide for the punishment of public gambling and the keeping of common gaming-houses in the territories subject to the Lieutenant-Governor of Bengal 133

" " III.—An Act to amend the law relating to Ships lying in Ports in the Provinces under the control of the Lieutenant-Governor of Bengal 138

" " IV.—An Act to explain and amend Act VI of 1862 passed by the Lieutenant-Governor of Bengal in Council, and to give validity to certain judgments 143

" " V.—An Act for shortening the language used in Acts, passed by the Lieutenant-Governor of Bengal in Council 145

" " X.—An Act to continue the existing Settlement of the Land Revenue in the Districts of Cuttack, Pooree, and Balasore, until the expiration of the year 1304 Umlee 146

ACTS OF 1868.

Act No. I.—An Act to make further provision for the Survey of Steam Vessels plying within the Provinces subject to the Lieutenant-Governor of Bengal 147

" " III.—An Act to amend the Law respecting Appeals in cases under Regulation VII of 1822 151

" " IV.—An Act to amend the provisions of Act IX of 1847 (an Act regarding the assessment of lands gained from the sea or from rivers by alluvion or dereliction within the Provinces of Bengal, Behar, and Orissa) 151

" " VII.—An Act to make further provision for the recovery of arrears of Land Revenue and Public Demands recoverable as arrears of Land Revenue 153

Page.

ACTS OF 1869.

Act No. I.—An Act for the prevention of Cruelty to Animals 165
" " II.—An Act to ascertain, regulate, and record certain tenures in Chota Nagpore 167
" " III.—An Act to enable Police Officers to arrest without Warrant persons guilty of Cruelty to Animals 172
" " V.—An Act to empower the Lieutenant-Governor of Bengal to direct Courts of Session to be held in different towns in a District 173
" " VII.—An Act to amend the constitution of the Police Force in Bengal 174
" " VIII.—An Act to amend the procedure in suits between Landlords and Tenants 180

ACTS OF 1870.

Act No. IV.—An Act to consolidate and amend the law relating to the Court of Wards within the Provinces under the control of the Lieutenant-Governor of Bengal... 213
" " V.—An Act to appoint Commissioners for making Improvements in the Port of Calcutta 239
" " VI.—An Act to provide for the Appointment, Dismissal, and Maintenance of Village Chowkeedars 271

ACTS OF 1871.

Act No. I.—An Act to amend the Village Chowkeedaree Act, 1870 ... 286
" " II.—An Act to amend the procedure for the recovery of arrears of Land Revenue in respect of tenures not being estates ... 287
" " III.—An Act to increase the fees for the Survey of Steam Vessels ... 287
" " IV.—An Act for the better sanitation of Pooree and other towns in Orissa, and regulation of Lodging-houses therein ... 289
" " V.—An Act to facilitate drainage in certain districts of Bengal ... 301
" " VII.—An Act to amend the Calcutta Port Improvement Act, 1870 ... 313
" " IX.—An Act for the construction of a Bridge across the river Hooghly between Howrah and Calcutta 314
" " X.—An Act to provide for local Rating, for the Construction and Maintenance of Roads, and other means of communication 325
" " XI.—An Act to enable the Lieutenant-Governor to take a census of Bengal 354

ACTS OF 1872.

Act No. II.—An Act to amend the law for the registration of Jute Warehouses, and to provide for the establishment of an efficient Fire-brigade... 358
" " III.—An Act to amend the Calcutta Port Improvement Act, being Act V of 1870, passed by the Lieutenant-Governor of Bengal in Council, and to amend Act XXII of 1855 ... 368

ACTS OF 1873.

Act No. I.—An Act to amend the Salt Act, 1864 370
" " IV.—An Act for registering Births and Deaths 371
" " V.—An Act to provide for the levy of a Lighting-rate in Howrah ... 375
" " VI.—An Act to amend the law relating to Embankments and Water-courses 381
" " VII.—An Act to amend the law relating to the Emigration of Laborers to the districts of Assam, Cachar, and Sylhet, and to regulate Contract Labor and Service 428

Page

ACT OF 1874.

Act No. I.—An Act to amend Act XXI of 1856 of the Council of the Governor-General and Act II of 1866 of the Council of the Lieutenant-Governor of Bengal 471

ACTS OF 1875.

Act No. I.—An Act for the realization of arrears in Government Estates ... 472
" " II.—An Act to amend the Jute Warehouse and Fire Brigade Act, 1872 473
" " III.—An Act to amend Bengal Act No. VI of 1874 476
" " IV.—An Act to provide for the summary realization of sums due on account of loans made by the Government during the late Famine operations 477
" " V.—An Act to provide for the Survey and Demarcation of Land ... 481

ACTS OF 1876.

Act No. I.—An Act to provide for the Voluntary Registration of Mahomedan Marriages and Divorces... 501
" " II.—An Act to amend Act XI of 1849, Act XXI of 1856, and Act IV (B.C.) of 1866 510
" " III.—An Act to provide for Irrigation in the Provinces subject to the Lieutenant-Governor of Bengal 515
" " IV.—An Act to consolidate and amend the law relating to the Municipal affairs of Calcutta 545
" " V.—An Act to amend and consolidate the law relating to Municipalities 650
" " VI.—An Act to provide for inquiry into Disputes regarding Rent, and to prevent Agrarian Disturbances 751
" " VII.—An Act to provide for the Registration of revenue-paying and revenue-free Lands and of the Proprietors and Managers thereof 763
" " VIII.—An Act to make better provision for the Partition of Estates ... 799

ACTS OF 1877.

Act No. I.—An Act to amend the Jute Warehouse and Fire Brigade Act, 1872, and Bengal Act II of 1875 846
" " II.—An Act to provide for the levy of a Cess for the Construction, Charges, and Maintenance of Provincial Public Works ... 846

ACTS OF 1878.

Act No I.—An Act for the Licensing of Trades, Dealings, and Industries within the territories subject to the Lieutenant-Governor of Bengal 850
" " II.—An Act to extend the provisions of Bengal Act VII of 1873 (the Labor Districts Emigration Act) to the District of Chittagong and to the Chittagong Hill Tracts 861
" " III.—An Act to define and limit the powers of Settlement Officers with respect to enhancement of Rent 862
" " IV.—An Act to amend Bengal Act V of 1866 864
" " V.—An Act to amend Bengal Act VII of 1876 865
" " VI.—An Act to provide for the cleansing and construction of Latrines in First-class Municipalities 865
" " VII.—An Act to consolidate and amend the Law relating to the Excise Revenue in the Presidency of Fort William in Bengal 872
" " VIII.—An Act for the Regulation of the Rural Police in the Districts of Hazaribagh and Lohardugga 893

NUMBERS AND TITLES OF REGULATIONS PRINTED IN THE APPENDIX.

REGULATION III OF 1872.—A Regulation for the peace and good government of the territory known as the Sonthal Pergunnahs.

" V OF 1873.—A Regulation for the peace and good government of certain Districts on the Eastern Frontier of Bengal.

" II OF 1875.—The Assam Prisons Regulation.

" III " The Assam Hill Districts Whipping Regulation.

" IV " A Regulation for the realization of Arrears in Government Estates in certain Districts of Assam.

" I OF 1876.—The Garo Hills Regulation.

" IV OF 1877.—A Regulation for extending to the Chief Commissionership of Assam, Chapter 13 of Bengal Act VII of 1873.

CHRONOLOGICAL TABLE

Of Repealed and Unrepealed Acts of the Lieutenant-Governor of Bengal in Council.

Year.	No.	Subject-matter.	How disposed of.
1862	I	Hoisting signals of names of vessels in River Hooghly.	Rep. XII of 1875.
	II	Small Cause Courts	Rep. XII of 1873.
	III	Extension of period for registry of tenures and farms.	Rep. in part, XII of 1873.
	IV	Discipline in Calcutta Jail ...	Rep. Bengal Act V of 1865
	V	Survey of steam vessels in port of Calcutta.	Rep. in part, Bengal Act I of 1868.
	VI	Procedure in rent suits	Rep. locally, Bengal Act VIII of 1869. in part VII of 1870.
	VII	To repeal section 30 of Regulation 11 of 1819.	Rep. in part, XII of 1873. XVI of 1874.
	VIII	Zemindary Daks	Rep. in part, XII of 1873.
	IX	Registers of Deeds	Rep. Bengal Act II of 1865.
1863	I	Port Dues in Port Canning ...	Rep. XII of 1875.
	II	To abate nuisances from smoke in Calcutta and Suburbs.	Rep. in part, XII of 1876.
	III	Transport of native laborers to Assam, Cachar, and Sylhet.	Rep. Bengal Act II of 1870.
	IV	Tracts in Eastern Chittagong ...	Rep. in part, XII of 1873. XIV of 1874.
	V	Remuneration of peons in Civil and Revenue Courts.	Rep. VII of 1870.
	VI	Calcutta Municipal Corporation ...	Rep. Bengal Act IV of 1876.
1864	I	Hackney Carriages and Palankeens ...	Rep. Bengal Act V of 1866.
	II	Jails	Rep. in part, Bengal Act V of 1865. XII of 1873.
	III	District Municipal Improvement ...	Rep. Bengal Act V of 1876.
	IV	To amend Act XXI of 1836.	
	V	Tolls on Canals	Rep. in part, XII of 1873.
	VI	Inspection of Steam Boilers and Prime Movers.	Rep. in part, XII of 1873.
	VII	Salt	Rep. in part, XII of 1873.
1865	I	To render valid certain Acts of the Judge of the 24-Pergunnahs.	Rep. XII of 1873.
	II	To repeal Bengal Act IX of 1862 ...	Rep. XII of 1873.
	III	Fire in Ports and Inflammable Oils ...	Rep. in part, XII of 1875.
	IV	Inoculation.	
	V	Jails	Rep. in part, XII of 1873.
	VI	Protection of native laborers ...	Rep. Bengal Act II of 1870.
	VII	Slaughter-houses	Rep. locally, Bengal Act IV of 1876.
	VIII	Sale of under-tenures	Rep. in part, XII of 1873.
	IX	Power to the Chairman of Calcutta Corporation to be member of Bengal Council.	Rep. Bengal Act IV of 1876.

Year.	No.	Subject-matter.	How disposed of.
1866	I	Public Ferries	Rep. in part, XII of 1873.
	II	Police in Suburbs of Calcutta ...	Rep. in part, Bengal Act II of 1867. Bengal Act I of 1869. Bengal Act I of 1874.
	III	Witnesses before Bengal Council.	
	IV.	Police in Calcutta	Rep. in part, Bengal Act II of 1867. Bengal Act I of 1869. Bengal Act II of 1876. XII of 1873. XII of 1875. IV of 1877.
	V	Hackney Carriages and Palankeens ...	Rep. in part, XII of 1873.
	VI	Conservancy and Improvement of Calcutta Municipality.	Rep. Bengal Act IV of 1876.
	VII	Embankments	Rep. Bengal Act VI of 1873.
	VIII	To amend section 26 of Bengal Act IV of 1866.	Rep. IV of 1877.
	IX	Punishment of persons resisting lawful apprehension.	Rep. XII of 1873.
	X	Port of Calcutta	Rep. Bengal Act V of 1870.
1867	I	To amend section 180 of Bengal Act VI of 1863.	Rep. Bengal Act IV of 1876
	II	Gambling.	
	III	Ships in Ports...	Rep. in part, XII of 1873. XII of 1875.
	IV	To explain Bengal Act VI of 1862 and give validity to certain judgments.	Rep. locally, Bengal Act VIII of 1869.
	V	For shortening language in Acts.	
	VI	Police in Towns and Municipalities ...	Rep. Bengal Act V of 1876.
	VII	To amend Bengal Act III of 1864 ...	Rep. Bengal Act V of 1876.
	VIII	Recovery of water-rates	Rep. locally, Bengal Act III of 1876. in part, Bengal Act VI of 1869.
	IX	To amend Bengal Act VI of 1863, and Bengal Act VI of 1866.	Rep. Bengal Act IV of 1876.
	X	To continue settlement in Cuttack, Pooree and Balasore.	
	XI	Rates in Calcutta	Rep. Bengal Act IV of 1876.
1868	I	Survey of Steam Vessels	Rep. in part, XII of 1873.
	II	To amend Bengal Act III of 1864 ...	Rep. Bengal Act V of 1876.
	III	Appeals under Regulation VII of 1822	Rep. in part, XII of 1873.
	IV	Islands in Rivers	Rep. in part, XII of 1873.
	V	To subject part of Hastings to Calcutta Municipal Acts.	Rep. Bengal Act IV of 1876.
	VI	District Towns Improvement ...	Rep. Bengal Act V of 1876.
	VII	Recovery of arrears of Land Revenue	Rep. in part, Bengal Act II of 1871. XII of 1873.
	VIII	To repeal Act XX of 1857 ...	Rep. XVI of 1874.
1869	I	Cruelty to Animals	Rep. in part, XII of 1873.
	II	Tenures in Chota Nagpore ...	Rep. in part, VII of 1870.
	III	Cruelty to Animals.	
	IV	Port of Calcutta...	Rep. Bengal Act V of 1870.
	V	Courts of Session.	

Year.	No.	Subject-matter.	How disposed of.
1869	VI	Recovery of water-rates	Rep. locally, Bengal Act III of 1876.
	VII	Constitution of Police Force.	
	VIII	Rent	Rep. in part, VII of 1870.
1870	I	Calcutta water-rate	Rep. Bengal Act IV of 1876.
	II	Native Laborers	Rep. Bengal Act VII of 1873.
	III	To transfer certain suits to Civil Courts	Rep. XII of 1873.
	IV	Court of Wards.	
	V	Port Commissioners	Rep. in part, Bengal Act VII of 1871. XII of 1873.
	VI	Village Chowkeedars	Rep. in part, Bengal Act I of 1871.
	VII	To improve sanitary condition of town of Dacca.	Rep. Bengal Act V of 1876.
1871	I	To amend Village Chowkeedaree Act, 1870.	
	II	Recovery of arrears of Land Revenue.	
	III	Survey of Steam Vessels.	
	IV	Lodging-houses in Pooree and Orissa	Rep in part, Bengal Act V of 1876.
	V	Drainage in Hooghly and Burdwan.	
	VI	Constitution of Calcutta Corporation...	Rep Bengal Act IV of 1876.
	VII	To amend Port Commissioners' Act, 1870.	
	VIII	Calcutta Markets	Rep Bengal Act IV of 1876.
	IX	Hooghly Bridge.	
	X	District Road Cess.	
	XI	Census of Bengal.	
1872	I	Borrowing Powers of Calcutta Justices	Rep. Bengal Act IV of 1876.
	II	Jute Warehouses and Fire Brigade ...	Rep. in part, XII of 1873. XVI of 1874. Bengal Act II of 1875. Bengal Act I of 1877.
	III	To amend Bengal Act V of 1870 ...	Rep in part, XII of 1875.
1873	I	To amend the Salt Act, 1864	
	II	To amend District Municipal Improvement Act and District Towns' Act.	Rep. Bengal Act V of 1876.
	III	To amend Excise Acts	Rep. Bengal Act VII of 1878.
	IV	Registration of Births and Deaths.	
	V	Lighting-rate in Howrah.	
	VI	Embankments and Water-courses.	
	VII	Emigration of laborers	Rep. in part, Bengal Act II of 1878.
1874	I	To amend Act XXI of 1856, and Bengal Act II of 1866.	Rep. in part, Bengal Act VII of 1878.
	II	Calcutta Markets	Rep. Bengal Act IV of 1876
1875	I	Realization of Arrears in Government Estates.	
	II	To amend Jute Warehouse and Fire Brigade Act.	Rep. in part, Bengal Act I of 1877.

Year.	No.	Subject-matter.	How disposed of.
1875	III	To amend Act for Inspection of Steam Boilers and Prime Movers.	
	IV	Famine Loans.	
	V	Survey.	
1876	I	Mahomedan Marriages and Divorces.	
	II	To amend Act XI of 1849, Act XXI of 1856, and Bengal Act IV of 1866.	Rep. in part, Bengal Act VII of 1878.
	III	Irrigation.	
	IV	Calcutta Municipality.	
	V	Bengal Municipalities.	
	VI	Agrarian Disturbances.	
	VII	Land Registration	Rep. in part, Bengal Act V of 1878.
	VIII	Partition.	
1877	I	To amend Jute Warehouse and Fire Brigade Acts.	
	II	Provincial Public Works Cess	
1878	I	Traders' License Tax.	
	II	To extend Labor District Emigration Act to Chittagong and Chittagong Hill Tracts.	
	III	Powers of Settlement Officers with respect to enhancement of rent.	
	IV	Registering officer of Hackney Carriages.	
	V	To amend Land Registration Act.	
	VI	Latrines in First Class Municipalities.	
	VII	Excise.	
	VIII	Hazaribagh and Lohardugga Rural Police.	

THE

LEGISLATIVE ACTS

OF THE

LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

ACT No. III OF 1862,

(Received the assent of the Governor-General on the 21st April 1862.)

An Act to amend Act XI of 1859 (to improve the law relating to sales of land for arrears of Revenue in the Lower Provinces under the Bengal Presidency).

Preamble.

WHEREAS it is expedient to extend the period allowed for the registry of under-tenures and farms, and to alter the scale of fees on certain applications for the opening of separate accounts for shares of entire estates, for deposit of money or Government securities, and for registry of under-tenures and farms; It is enacted as follows:—

1. [*Repealed by Act No. XII of* 1873.]

Time for registration under sections 40, 43, and 44 of Act XI of 1859, extended.

2. Applications under sections 40, 43, and 44 of Act XI of 1859, for registry of tenures and farms created before the passing of Act XI of 1859, must be made within three years of the passing of this Act.

Applications for the registry of tenures existing at the time of the passing of this Act, but created after the passing of Act XI of 1859, must be made within three months of the passing of this Act.

Applications for the registry of tenures, created after the passing of this Act, must be made within three months of the date of the deed constituting the tenure.

Fees to be paid at the rates mentioned in the Schedule.

3. The Collector on the part of the Government shall be entitled to demand from applicants under sections 10 and 11, sections 15 and 16, sections 40, 43, and 44 of Act XI of 1859, fees not exceeding the rate specified in the Schedule to this Act annexed, which Schedule shall be taken as part of this Act; and applications under the said sections shall not be received unless the said fees are tendered therewith.

This Act to be read as part of Act XI of 1859.

4. This Act shall be taken and read as part of the said Act XI of 1859.

SCHEDULE OF FEES.

1. For filing an application under section 10 or section 11 of Act XI of 1859, for opening a separate account for a share of an entire estate—

If the annual jumma of the share do not exceed 1,000 rupees, at the rate of ten per cent. upon the jumma. If the annual jumma of the share exceed 1,000 rupees, at the rate of ten per cent. upon 1,000 rupees and two per cent. upon all above that amount.

2. For filing an application for a deposit of money of Government securities under section 15 of the said Act, half per cent. on the amount deposited.

For any interest on Government securities, so deposited, drawn by the Collector, half per cent. on the amount drawn.

For filing an application for withdrawal of a deposit under section 16 of the said Act, half per cent. on the amount withdrawn.

3. For filing an application, under section 40, 43 or 44 of the said Act, for the registration of an under-tenure or farm—

If the annual rent of the under-tenure or farm do not exceed 1,000 rupees, at the rate of five per cent. on the rent.

If the annual rent of the under-tenure or farm exceed 1,000 rupees, at the above rate up to 1,000 rupees, and at one per cent. on all above that amount.

ACT No. V OF 1862.

(Received the assent of the Governor-General on the 1st May 1862).

An Act to provide for the Periodical Survey of Steam Vessels in the Port of Calcutta.

Preamble.

WHEREAS it is desirable to provide for the survey, by competent surveyors of steam vessels in the port of Calcutta, with a view to the due security of the lives of passengers and property shipped on board such steam vessels; It is enacted as follows:—

Certain steam vessels liable to be surveyed twice a year.

1. * All steam vessels plying on any of the rivers or waters within the provinces subject to the Lieutenant-Governor of Bengal, except steam vessels which may ply between some port

* Bengal Act I of 1868, section 1.

within the said provinces, and some port not in British India, shall be liable to be surveyed twice in every year, in the manner prescribed in the said Act V of 1862.

Government to appoint one or more surveyors.

2. It shall be lawful for the Lieutenant-Governor of Bengal to appoint a fit and proper person, or fit and proper persons, to be a surveyor or surveyors for the purposes of this Act.

Authority to surveyors to go on board steamers for the purpose of surveying.

3. It shall be lawful for the said surveyors, in the execution of their duties, to go on board any steam vessel liable to be surveyed under this Act, as soon as reasonably may be after the arrival of such steam vessel in the port of Calcutta, *or any other port of survey, and not so as unnecessarily to hinder the loading or unloading of such steam vessel, or to detain or delay her from proceeding on any voyage or service, and to inspect such steam vessel or any part thereof, and any of the machinery, equipments, or articles on board thereof: and the owner, master, and officers serving on board of such vessel, shall be bound to afford to the surveyors all reasonable facility for such inspection or survey, and to afford them all such information respecting such vessel and her machinery and equipments, or any part thereof respectively, as may be reasonably required by the surveyors;

Penalty for hindering them in making the survey, or withholding required information.

and any person who shall refuse access to the surveyors, or shall otherwise hinder them in the performance of their duty, or shall refuse or neglect to give any information which may reasonably be required of them, and which they have it in their power to give, shall be liable for each offence to a penalty of five hundred rupees, or to one month's imprisonment.

Surveyors to grant certificate and declaration when they can with propriety do so.

4. When any survey is made under this Act, the surveyors making such survey shall forthwith, if satisfied that they can with propriety do so, and on payment, by the owner or master, of the fees hereinafter mentioned, give to the owner or master of the steam vessel surveyed a certificate and declaration signed by them, and framed as nearly as the circumstances of each case will admit, in the form set forth in Schedule A hereto annexed.

No clearance to be given to a steamer for a voyage for which she has not got a certificate from the surveyors.

5. No officer of Customs shall grant a clearance, nor shall any pilot be assigned to any steam vessel liable to be surveyed under this Act, which shall not have been duly furnished with a certificate and declaration under the provisions of this Act applicable to the voyage on which she is about to proceed or the service on which she is about to be employed;

* Bengal Act I of 1868, section 3.

and if any steam vessel, liable to be surveyed under this Act, shall leave or attempt to leave the port of Calcutta, or any other port of survey, without such certificate and declaration applicable to the voyage on which she is about to proceed or the service on which she is about to be employed, the owner or master of such steam vessel shall be liable to a fine not exceeding one thousand rupees for each offence;

Penalty in case of attempt at evasion

and if there be any officer of Customs or any pilot on board of such steam vessel, he may detain her until she is duly furnished with such certificate and declaration.

Detention of vessel

6. If the commander or any other officer of a tug steamer, or of any other steam vessel, liable to be surveyed under this Act, is a licensed pilot, and shall leave or attempt to leave the port of Calcutta, *or any other port of survey, in such tug steamer or steam vessel without such tug steamer or steam vessel being duly furnished with a certificate and declaration under the provisions of this Act, applicable to the voyage on which she is about to proceed or the service on which she is about to be employed, such commander or other officer shall be liable to have his license as a pilot taken away from him entirely, or suspended for any period by the Lieutenant-Governor of Bengal, as the Lieutenant-Governor may see fit to order.

Master or officer who is a licensed pilot attempting to take his ship out of Calcutta, without a proper certificate, liable to lose his license.

7. It shall be lawful for the Lieutenant-Governor of Bengal to give special directions to the surveyors under this Act for the survey by them of any British steamer lying in the port of Calcutta, *or any other port of survey, and plying between Calcutta, *or any other port of survey, and any port or ports whatever, and the provisions of this Act shall apply (so far as the same are in any way applicable) to every vessel so specially directed to be surveyed, and the owner, master, and officers thereof.

Special survey may be ordered by Government on any British steamer in the port of Calcutta.

8. The Lieutenant-Governor of Bengal is hereby empowered to frame rules as to the manner in which the surveys shall be made and the times and places of such surveys, and the duties of the surveyors; provided that such rules shall not be inconsistent with the provisions of this Act.

Lieutenant Governor may make rules as to mode and time of conducting survey

9. Any surveyor demanding or receiving directly or indirectly from the owner, master, or officer of any ship surveyed by him under the provisions of this Act, any fee or remuneration otherwise than as provided by this Act, shall be liable to dismissal, in addition to any other penalty to which he may by law be liable.

Penalty for surveyor who receives fees, &c., for making a survey.

* Bengal Act I of 1868, section 3.

Fees to be paid for every survey made.

10. For every survey made under this Act the owner or master of the steam vessel surveyed shall pay to the surveyors making the same a fee calculated on the tonnage of the vessel according to the rates in Schedule B hereto annexed.

Certificates to be always hung up in conspicuous part of vessel.

11. Each certificate and declaration granted by surveyors under this Act shall be hung up, and remain at all times suspended, in some conspicuous part of the vessel for which the same is granted, where the same may be easily read; and in default of compliance with this provision, every owner or master shall be liable to a penalty not exceeding one hundred rupees for each offence; such fine to be leviable by distraint or sale of personal property.

Certificate to be in force only six months.

12. No certificate or declaration shall be held to be in force for the purposes of this Act after the expiration of six calendar months from the date thereof;

Proviso in case of vessels absent from port when certificate expires.

provided that if any steam vessels * shall not be in any port of survey when her certificate and declaration expire, no penalty shall be incurred for the want of a certificate and declaration, until she first begins to ply or is about to ply after her next subsequent * arrival at some port of survey.

Penalty for non-delivery of certificate and declaration.

And the Lieutenant-Governor of Bengal, or any officer appointed by him for that purpose, may require any certificate and declaration, which has expired or has been revoked or cancelled, to be delivered up as may be directed; and any owner or master, or other person who, without reasonable cause, neglects or refuses to comply with such requirement, shall incur a penalty not exceeding one hundred rupees for each offence.

Certificate and declaration may be cancelled by Government.

13. The Lieutenant-Governor of Bengal, or any officer appointed or authorized by him for that purpose, may revoke and cancel any certificate and declaration granted under this Act in any case in which he has reason to believe—

(1.) That the certificate and declaration of the sufficiency and good condition of the hull, equipments, and machinery of any steam vessel, or either of them, have been fraudulently or erroneously given or made: or

(2.) That such certificate and declaration have otherwise been issued upon false or erroneous information: or

(3.) That since the giving and making of such certificate and declaration, the hull, equipments, or machinery of such ship, have sustained any injury, or are otherwise insufficient.

* Bengal Act I of 1868, section 4.

And in every such case the Lieutenant-Governor of Bengal, of such officer as last aforesaid, may, if he thinks fit, require the owner or master to have such steam vessel again surveyed as herein provided.

If the correctness of a survey is doubted, Government may order a second survey by other surveyors.

14. If any steam vessel shall be surveyed under the provisions of this Act, and if the surveyors shall decline to give any certificate or declaration, or shall give a certificate or declaration, with which the owner or master of the steam vessel shall be dissatisfied, the Lieutenant-Governor of Bengal may, on the application of such owner or master, appoint two other competent surveyors to survey the said steam vessel.

Surveyors shall refuse or give certificate and declaration.

The surveyors so appointed shall forthwith survey the said steam vessel, and shall either decline to give any certificate and declaration, or shall give such certificate and declaration as under the circumstances may seem to them proper. Every survey made under this section shall be made subject to all the provisions and rules both as to the payment of fees and otherwise, which are applicable to surveys made in ordinary cases under this Act.

Procedure if surveyors do not agree.

If the surveyors appointed under this section unanimously refuse to give any certificate and declaration, or agree as to the terms of their certificate and declaration, such refusal or such certificate and declaration shall be final and conclusive; but if they do not agree, the refusal originally made, or the certificate and declaration originally granted by the surveyors who surveyed the said steam vessel in the first instance, shall remain and be of full force and effect.

Offences under this Act by whom to be tried.

15. Any case arising out of this Act may be tried by any officer having the full powers of a Magistrate, within whose jurisdiction the offence may have been committed, or by any Police Magistrate of the Town of Calcutta. The provisions of section * 66 of the Indian Ports' Act, 1875, are hereby extended to all penalties imposed under this Act; and all fees due under section ten of this Act shall be recoverable in like manner as penalties are recoverable.

Surveyor acting alone included in term "Surveyors."

16. The word "Surveyors" as used in this Act shall be taken to include any surveyor acting alone when authorized so to do by the Lieutenant-Governor of Bengal under the provisions of this Act.

---

*Act XII of 1875, section 3

SCHEDULE A.

(*See Section* 4.)

Form of Surveyors' Certificate and Declaration.

Name of steam vessel.	Tonnage.	When and where built, and material.	Power.	Description of engines and age.	Description of boilers and age.	Ground tackle.	Condition of hull.	General equipment.	Name of master and number of officers and deck-crew and of engineers and engine-room crew.	When and where last coppered, repaired or cleaned.	Limits (if any) beyond which the vessel is not fit to ply.	Time, if less than six months, for which the hull, boilers, engines or any of the equipments will be sufficient.	REMARKS.

We, the undersigned, declare that we have examined the above-named steamer, and, to the best of our judgment, she and her engines, as shown in the above statement, are fully sufficient for the service on which it is intended to employ the said steamer; that is to say, for (*as the case may be*).

SCHEDULE B.

(*See Section* 10.)

Rates of Fees to be charged.

		Rs.	As.	P.
For steamers of less than 200 tons	...	20	0	0
" " 200 tons and up to 350	...	25	0	0
" " 350 " " " 700 ...	...	30	0	0
" " 700 " " " 1,000 ...	...	40	0	0
" " 1,000 " " " 1,500 ...	...	50	0	0
" " 1,500 " and upwards ...	..	60	0	0

ACT No. VI OF 1862.

CONTENTS

PREAMBLE.

SECTION.

1.—Repeal of sections 26, 40, 74, 79, 86, 150 and 162 of Act X of 1859.

2.—Court may, in certain cases, award to the plaintiff additional damages not exceeding 25 per cent.

Damages to carry interest at 12 per cent.

3.—Court may award compensation not exceeding 25 per cent. on the amount sued for to a defendant improperly sued.

4.—Under-tenant or ryot may, after tender, pay into Court, without any action being brought against him, what he admits to be due to his zemindar.

Payment into Court to have effect of payment to zemindar or other person entitled.

5.—Collector to receive deposit and give receipt.

On receipt of deposit Collector to issue notice.

Withdrawal of deposit.

6.—Suit for further balance to be instituted within six months of service of notice of deposit.

7.—After action brought, defendant may pay into Court, without costs, money tendered before action brought.

Costs if plaintiff goes on and recovers no more.

8.—Defendant may, without having made previous tender, pay into Court what he admits to be due with costs.

Costs if plaintiff goes on and recovers no more.

9.—Proprietor's right to survey and measurement.

Procedure in case of opposition to measurement.

Ryot when barred from contesting correctness of measurement.

10.—When it cannot be ascertained who are the persons liable to pay rent, Collector to measure lands.

When Collector may declare lands to have lapsed to applicant.

Procedure on good cause for non-appearance being shown.

Appeal.

11.—Measurements to be made by the pergunnah pole.

12.—Contents of statement in suits for arrears of rent.

13.—Order under section 58 of Act X of 1859 to set aside judgment shall be final, but rejection of application to set it aside shall be appealable.

14.—Fees to agents and mooktears.
15.—Language in which the Collector is to write his judgment.
16.—Attachment before judgment.
17.—Execution to issue against either person or property, but not simultaneously against both person and property.
18.—Procedure if person is arrested under section 145 of Act X of 1859.
19.—Deputy Collectors' powers.
20.—In what Court suits are to be instituted.
Board of Revenue to decide point of jurisdiction.
21.—This Act to be read with Act X of 1859.

ACT No. VI. OF 1862.

(*Received the assent of the Governor-General on the 1st May* 1862.)

An Act to amend Act X of 1859 (*to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal.*)

Preamble.

WHEREAS it is expedient to amend Act X of 1859, so far as the same relates to the Provinces subject to the Government of Bengal; It is enacted as follows :—

Repeals, sections 26, 40, 74, 79, 86, 150, and 162 of Act X of 1859.

1. Sections 26, 40, 74, 79, 86, 150, and 162 of Act X of 1859, are hereby repealed, except as regards suits under the said Act X of 1859 instituted prior to the passing of this Act.

Court may in certain cases award to the plaintiff additional damages not exceeding 25 per cent.

2. In any suit hereafter to be brought for rent under Act X of 1859, if it shall appear to the Court that the defendant has, without reasonable or probable cause, neglected or refused to pay the amount due by him, and that he has not, before the institution of the suit, tendered such amount to the plaintiff or his duly authorized agent, or, in case of refusal of the plaintiff or such agent to receive the amount tendered, has not deposited such amount with the Collector before the institution of the suit in manner hereinafter mentioned, it shall be lawful for the Court to award to the plaintiff, in addition to the amount decreed for rent and costs, such damages, not exceeding twenty-five per cent. on the amount of rent decreed, as the Court may think fit.

Damages to carry interest at 12 per cent.

These damages, if awarded, as well as the amount of rent and costs decreed in the suit, shall carry interest at the rate of twelve per cent. per annum from the date of decree until payment thereof, and shall be recoverable from the defendant in like

manner as sums decreed to be paid by defendants under Act X of 1859 are recoverable.

Court may award compensation not exceeding 25 per cent. on the amount sued for to a defendant improperly sued.

3. In any suit hereafter to be brought for rent under Act X of 1859, if it shall appear to the Court that the plaintiff has instituted the suit against the defendant without reasonable or probable cause, or that the defendant, before the institution of the suit, duly deposited with the Collector, in the manner hereinafter mentioned, the full amount which the Court shall find to have been due to the plaintiff at the date of such deposit, it shall be lawful for the Court to award to the defendant by way of compensation such sum, not exceeding twenty-five per cent. on the whole amount claimed by the plaintiff, as the Court may think fit, and such sum, with interest at the rate of twelve per cent. per annum until payment thereof, shall be recoverable from the plaintiff in like manner as sums decreed to be paid by defendants under Act X of 1859 are recoverable.

Under-tenant or ryot may, after tender, pay into Court, without any action being brought against him, what he admits to be due to his zemindar.

4. If any under-tenant or ryot shall, at the mâl kutcherry for the receipt of rents or other place where the rents of the land held or cultivated by him are usually payable, tender payment of what he shall consider to be the full amount of rent due from him at the date of the tender to the zemindar or other person in receipt of the rent of such land, and if the amount so tendered shall not be accepted and a receipt in full forthwith granted, it shall be lawful for the under-tenant or ryot, without any suit having been instituted against him, to deposit such amount in the Collector's Court, to the credit of the zemindar or other person aforesaid;

Payment into Court to have effect of payment to zemindar or other person entitled.

and such deposit shall, so far as the under-tenant or ryot and all persons claiming through or under him are concerned, in all respects operate as, and have the full effect of, a payment then made by the under-tenant or ryot, of the amount deposited, to such zemindar or other person.

Collector to receive deposit and give receipt.

5. The Collector shall receive such deposit on the application of the under-tenant or ryot, or his agent, made in writing, and on the under-tenant or ryot, or his agent, making a declaration in the form, or as nearly as circumstances will admit in the form, set forth in the Schedule A hereto annexed, the Collector shall give a receipt for the same. If the declaration shall contain any averment which the person making the declaration shall know or believe to be false, or shall not know or believe to be true, such person shall be subject to punish-

ment according to the law for the time being in force for the punishment of giving or fabricating false evidence.

On receipt of deposit Collector to issue notice.

Upon receiving the money so deposited, the Collector shall issue a notice to the person to whose credit it has been deposited in the form set forth in the Schedule (B) hereto annexed, and such notice shall be served by the Collector, without the payment of any fee, either upon the person to whom it is addressed, or upon his naib, gomastah, or other agent, and in the absence of any such agent, it shall be served by sticking up a copy of the same in the office of the Collector, and another copy at the mâl kutcherry for the receipt of rents, or other place where the rents are usually paid for the land in respect of which the money has been deposited.

Withdrawal of deposit.

If the person to whom such notice is issued, or his duly authorized agent, shall appear and apply that the money in deposit be paid to him, it shall be immediately made over to him.

Suit for further balance to be instituted within six months of service of notice of deposit.

6. Whenever a deposit shall have been made under the provisions of this Act, no suit shall be brought against the person making the deposit or his representatives on account of any rent which accrued due prior to the date of the deposit, unless such suit is instituted within six months from the date of the service of the notice in the fifth section of this Act mentioned.

After action brought defendant may pay into Court without costs, money tendered before action brought.

7. The defendant in any suit under this Act or under Act X of 1859 instituted after the passing of this Act may, if he have duly tendered the same to the plaintiff before the institution of the suit, pay into Court such sum of money as he shall consider to be due to the plaintiff without paying in any costs incurred by the plaintiff up to the time of such payment, and such sum shall be immediately paid out of Court to the plaintiff.

Costs if plaintiff goes on and recovers no more.

If after such payment the plaintiff elects to proceed in the suit, and ultimately recovers no further sum than shall have been paid into Court, plaintiff shall be charged with the whole costs of the suit incurred by the defendant; but if the plaintiff ultimately recovers a further sum than shall have been paid into Court, the defendant shall be charged with the whole costs of the suit.

Defendant may, without having made previous tender, pay into Court what he admits to be due with costs on that sum.

8. The defendant in any suit under this Act or under Act X of 1859 instituted after the passing of this Act may, without having made any tender before action brought, pay into Court such sum of money as he shall consider to be due to the plaintiff, together with the costs (to be fixed by the Court if necessary as of a suit origi-

nally instituted for the amount so paid into Court) incurred by the plaintiff up to the time of such payment, and such sum shall immediately be paid out of Court to the plaintiff.

Costs if plaintiff goes on and recovers no more.

If after such payment the plaintiff elects to proceed in the suit, and ultimately recovers no further sum than shall have been paid into Court, he shall be charged with all costs incurred by the defendant subsequently to such payment; but if the plaintiff ultimately recovers a further sum than shall have been paid into Court, the defendant shall (including the sum paid into Court by him in the first instance on account of costs) be charged with costs as upon a suit originally instituted for the whole amount for which the plaintiff ultimately obtains a decree.

Proprietors' right of survey and measurement.

9. Every proprietor of an estate or tenure, or other person in receipt of the rents of an estate or tenure, has a right of making a general survey and measurement of the lands comprised in such estate or tenure, or any part thereof, unless restrained from doing so by express engagement with the occupants of the lands.

Procedure in case of opposition to measurement.

If any person intending to measure any land which he has a right to measure is opposed in making such measurement by the occupant of the land, or if any under-tenant or ryot, having received notice of the intended measurement of land held or cultivated by him, which is liable to such measurement, refuses to attend and point out such land, such person may make application to the Collector, and the Collector shall thereupon proceed to enquire into the case in the manner provided for suits under Act X of 1859, and shall pass a decision either allowing or disallowing the measurement, and, if the case so require, enjoining or excusing the attendance of any such under-tenant or ryot.

Ryot when barred from contesting correctness of measurement.

If any under-tenant or ryot, after the issue of an order enjoining his attendance, neglects to attend and to point out the land, it shall not be competent to him to contest the correctness of the measurement made or any of the proceedings held in his absence.

When it cannot be ascertained who are the persons liable to pay rent, Collector to measure lands.

10. If the proprietor of an estate or tenure, or other person entitled to receive the rents of an estate or tenure, is unable to measure the lands comprised in such estate or tenure or any part thereof, by reason that he cannot ascertain who are the persons liable to pay rent in respect of the lands or any part of the lands comprised therein, such proprietor or other person may petition the Collector in respect of the lands which he cannot measure as aforesaid; and the Collector thereupon, and on the necessary costs being deposited with him by the applicant, shall proceed to

measure the land and to ascertain and record the names of the persons in occupation of the same, or on the special application of the proprietor or other person aforesaid, but not otherwise, shall proceed to ascertain, determine, and record the tenures and under-tenures, the rates of rent payable in respect of such lands, and the persons by whom respectively the rents are payable. The provisions of section 67 of Act X of 1859 shall apply to any proceeding of the Collector instituted under this section.

When Collector may declare lands to have lapsed to applicant.

If after due enquiry the Collector shall be unable to measure the land, or to ascertain or record the names of the persons in occupation of the same, or if he shall (in any case in which such special application shall have been made as aforesaid) be unable to ascertain who are the persons having tenures or under-tenures in such lands or any part thereof, then and in any such case he may declare the same to have lapsed to the party on whose petition he has made the enquiry.

Procedure on good cause for non-appearance being shown.

If any person, within fifteen days after the Collector shall have recorded the name of such person as being in occupation of such land or any part thereof, or shall have declared a tenure to have lapsed, shall appear and show good and sufficient cause for his previous non-appearance, and shall satisfy the Collector that there has been a failure of justice, the Collector may, upon such terms or conditions as he may think proper, alter or rescind his declaration according to the justice of the case.

Appeal.

Save as aforesaid, the decision of the Collector on all matters enquired into and determined by him under this or the last preceding section shall be final, unless the same shall be reversed on appeal therefrom to the Civil Court. Such appeals shall lie to the Zillah Judge or to the Sudder Court, subject to the provisions and conditions contained in sections 160 and 161 of Act X of 1859.

Measurements to be made by the pergunnah pole.

11. All measurements made under this Act shall be made by the standard pole of measurement of the pergunnah in which the land is situated.

Contents of statement in suits for arrears of rent.

12. In any suit hereafter to be brought for the recovery of an arrear of rent, the statement shall specify

the name of the village and estate and of the pergunnah or other local division in which the land is situate,

the yearly rent of the land,

the amount (if any) received on account of the year for which the claim is made,

the amount in arrear, and

the time in respect of which it is alleged to be due.

If the arrear is alleged to be due from any ryot, the statement shall further specify the quantity of land; and where fields have been numbered in a Government survey, the number (if it be possible to give it) of each field.

Order under section 58 of Act X of 1859 to set aside judgment shall be final, but rejection of application to set it aside shall be appealable.

13. In all cases in which the Collector shall pass an order under section 58 of Act X of 1859 for setting aside a judgment, the order shall be final; but in all appealable cases in which the Collector shall reject the application, an appeal shall lie from the order of rejection to the tribunal to which the final decision in the suit would be appealable; provided that the appeal be preferred within the time allowed for an appeal from such final decision.

Fees to agents and mooktears.

14. So much of section 71 of Act X of 1859 as directs that no fee for any agent shall be charged as part of the costs of suit in any case under the Act is hereby repealed. In awarding costs to either party in any suit hereafter to be brought under the said Act or under this Act, it shall be competent for the Collector to award to such party, on account of the fees of any agent or mooktear employed by him, such a sum, not exceeding the rate of fee chargeable under the provisions of section 7 of *Act I of 1846, for pleaders in the Civil Courts, as the Collector may direct.

Language in which the Collector is to write his judgment.

15. The Collector shall pronounce judgment in all cases tried under this Act or under Act X of 1859 in open Court. The judgment shall be written in the vernacular language of the Collector, and shall contain the reasons for the same, and shall be dated and signed by the Collector at the time when it is pronounced: Provided that if the vernacular language of the Collector be not English, and the Collector be sufficiently conversant with the English language to be able to write a clear and intelligible decision in that language, and prefer to write his judgment in it, the judgment may be written in English.

Attachment before judgment.

16. The provisions relating to attachment before judgment contained in †sections 483 to 490 of the Code of Civil Procedure are hereby extended to all suits hereafter to be brought under this Act or Act X of 1859.

Execution to issue against either person or property, but not simultaneously against both person and property.

17. Process of execution in any suit hereafter to be instituted under this Act or under Act X of 1859 may be issued against either the person or the property of a judgment-debtor, but process shall not be issued simultaneously against both person and property. It may

* Repealed by Act No. XX of 1865 † Act No. X of 1877, section 3, para 2.

be issued on the oral application of the judgment-creditor, his agent, or mooktear, made at the time the judgment is pronounced, or thereafter upon the written application of the judgment-creditor, his agent, or mooktear, presented to the Court by which the judgment was given.

Process of execution against the person or moveable property of a debtor shall be in the Form E or the Form F contained in the Schedule to Act X of 1859, or in a form as nearly resembling those forms as the circumstances of the case may admit.

Procedure if person is arrested under section 145 of Act X of 1859.

18. If any person shall after the date of the passing of this Act be arrested under section 145 of the said Act X of 1859, he shall be brought before the Collector with all convenient speed, and the Collector shall proceed forthwith to try the case. If the case cannot be at once heard and determined, the Collector may, if he think fit, require the person arrested to give security for his appearance whenever the same is required. In default of such security the person arrested shall be committed to the civil jail till the case is heard.

Deputy Collector's powers.

19. All the powers vested in the Collector by any of the sections of this Act, or of Act X of 1859, may be exercised by any Deputy Collector in cases referred to him by a Collector, and in all cases without such reference by any Deputy Collector placed in charge of any sub-division of a district, or who is specially authorised by Government to receive such cases; and all applications and reports allowed or required by the said Act X of 1859, or by this Act to be made to the Collector, may be made to any Deputy Collector having such local jurisdiction or such special authority as aforesaid.

In what Court suits are to be instituted.

20. Suits under this Act, or under Act X of 1859, shall be preferred in the Revenue Office of the district, or when a sub-division of a district has been placed under the jurisdiction of a Deputy Collector, in the Revenue Office of the sub-division in which the cause of action shall have arisen, or when the cause of action shall have arisen within the limits of the local jurisdiction of any Deputy Collector not in charge of a sub-division, but who has been specially authorised by Government to receive such suits, then in the office of such last mentioned Deputy Collector. Provided always that the Collector may withdraw any suit from any Deputy Collector and try it himself, or refer it to another Deputy Collector.

Board of Revenue to decide point of jurisdiction.

If the lands comprised in any talook, farm, or other tenure or any lands held under one lease or engagement, or at one entire rent, in respect of which arrears of rent may be due, are situated in more than one district or sub-

division, or within the local limits of the jurisdiction of more than one Deputy Collector so specially authorised as aforesaid, the district, or sub-division, or local limits in which the greater part of such lands is situate, shall be held to be the district, or sub-division, or local limits in which the cause of action has arisen, and if any question shall be raised respecting the district, or sub-division, or local limits within which the greater part of the lands is situated, the Board of Revenue, or if all the lands be situate in one district, the Collector of the district shall decide the question, and such decision shall be conclusive on the point of jurisdiction.

This Act to be read with Act X of 1859.

21. This Act shall be read with, and taken as part of, Act X of 1859, except as regards suits instituted thereunder before the passing of this Act.

SCHEDULE A.*

I, A. B. of &c., do solemnly declare that I did personally (*or* by my agent C. D.) on the day of tender payment to E. F. at his mâl kutcherry (*or at*) the place where the rent of the lands at held or cultivated by me under or from the said E. F., are usually payable, of the sum of Company's rupees as and for the whole amount due from me in respect of the rent of the said lands, from the month of to the month of both inclusive. I further declare that the said E. F. refused to accept the said sum so tendered (or to give me a receipt in full forthwith for the same). And I do declare that to the best of my belief the sum of Company's rupees so tendered, and which I now desire to pay into Court, is the full amount which I owe the said E. F. on account of the rent of the said lands from the month of to the month of both inclusive, and that I owe the said E. F., no further sum on account of the rent of the said lands.

SCHEDULE B.†

Court of the Collector (or Deputy Collector) of

Dated the day of 18

To E. F. of &c.

With reference to the within declaration you are hereby informed that the sum of Company's rupees therein mentioned is now in deposit in this Court, and that the above sum will be paid to you or to your duly authorized agent on application. And take notice that if you have any further claim or demand whatsoever to make against the said A. B. in respect of the rent of the said lands, you must institute a suit in Court for

* If this Declaration is made by an agent, it must be altered accordingly.

† This is to be by endorsement on a copy of the declaration under Schedule A made by the person paying the money into Court.

the establishment of such claim or demand within six calendar months from this date, otherwise your claim will be for ever barred.

ACT No. VII. OF 1862.

(*Received the assent of the Governor-General on the 1st May* 1862.)

An Act to repeal section 30 *of Regulation II,* 1819 (*for modifying the provisions contained in the existing Regulations regarding the resumption of the revenue of lands held free of assessment under illegal or invalid tenures, and for defining the right of Government to the revenue of lands not included within the limits of estates for which a settlement has been made.*)

Preamble.

WHEREAS by section 30 of Regulation II, 1819, it is enacted that certain suits preferred in a Court of Judicature regarding lands held, or claimed to be held, free of assessment, shall be referred for investigation to the Collector, and that similar suits may be preferred in the first instance to the Collector; and whereas such reference of suits is unnecessary and causes inconvenience and delay in their decision, and it is advisable that such suits should be preferred and disposed of exclusively in the ordinary Courts of Civil Judicature; It is enacted as follows :—

1. [*Repealed by Act No. XII of* 1873.]

Suits for resumption of land held free of assessment to be tried in the Civil Courts; so also claims to hold land free of assessment.

2. All suits preferred by proprietors, farmers, or talookdars, to resume the revenue of any land held free of assessment, as well as all suits preferred by individuals claiming to hold land exempt from the payment of revenue, shall be instituted, heard, and determined in and by the Courts of Civil Judicature, like ordinary civil suits, and under the rules and subject to all the provisions contained in *the Code of Civil Procedure, and not otherwise.

3 and 4. [*Repealed by Act No. XVI of* 1874.]

---

* Act No. X of 1877, section 3, para. 2.

ACT No. VIII OF 1862.

(*Received the assent of the Governor-General on the 8th May* 1862.)

An Act to improve the system of Zemindary Daks in the Provinces subject to the Government of Bengal.

Preamble.

WHEREAS the conveyance of letters on the public service between Police Officers and Police Stations and the Magisterial Officers of the districts subject to the Government of Bengal, is defective, irregular, and uncertain, and the system requires to be amended and placed on a better footing; It is enacted as follows :—

1. [*Repealed by Act No. XII of* 1873.]

Appointment, remuneration, and removal of dak-runners, vested in Magistrate or other Officer appointed by Government.

2. The appointment, removal, and payment of dak-runners and other persons necessary for the performance of the service of conveying papers, letters, packets, and correspondence between Police Officers and Police Stations and Magistrates of districts, or officers in charge of sub-divisions, shall be vested exclusively in the Magistrate of each district, or in such other officer as the Government may from time to time direct.

The powers exercisable by the Government of Bengal under this section, and also under sections 3 and 11 of this Act, have been delegated by the Governor-General in Council to the Chief Commissioner of Assam for the purpose of being exercised within his Commissionership—*Gazette of India*, 1875, p. 166.

Raising of funds for maintaining zemindary daks.

3. It shall be lawful for the Magistrate of every district, or for such other officer as the Government may from time to time direct, to raise, as hereinafter provided, the monies necessary for the payment of the establishments required for the purpose of efficiently maintaining the zemindary daks within the district from all zemindars, sudder farmers, and other persons paying revenue direct to Government in respect of lands situated within the district.

No zemindary dak to be maintained where there is a Government post.

4. Provided always that no zemindary dak shall be established or maintained under this Act between any two places between which a Government post for the time being exists.

5. The Magistrate or such other officer as aforesaid shall in each and every year, on or before the last day of the month of December, fix, subject to the approval and revision of the Commissioner of the division, the total sum necessary for the next ensuing year for the efficient service of the zemindary daks in his district, and apportion such amount rateably on the sudder jumma of the parties liable as aforesaid to pay the same, and shall appoint the days for the payment thereof.

Total sum necessary to be fixed and apportioned rateably on sudder jumma of those liable to contribute.

6. A notice showing the amount to be levied for the ensuing year and the rateable apportionment thereof among the persons liable to pay the same, and the days appointed for payment thereof, shall be affixed in some conspicuous place in the office of the Magistrate, or of such other officer as aforesaid, and also in the office of the Collector of the district, not less than fifteen days previous to the day appointed for the first half-yearly payment.

Notice to be given of amount to be levied, its rateable apportionment and days of payment.

7. An appeal shall lie to the Commissioner of the division from any order of a Magistrate or such other officer as aforesaid, imposing on any one person a pecuniary liability for more than forty rupees a year under section five of this Act. Provided that such appeal shall be presented to the Commissioner within thirty days from the date of affixing in the office of the Magistrate, or of such other officer as aforesaid, the notice of the imposition of the liability appealed against.

Appeal to Commissioner when assessment on any one person exceeds forty rupees in the year.

8. It shall be lawful for such Magistrate or other officer aforesaid by an order to that effect, to exempt from the liability to payment of an assessment under this Act any person the sudder jumma of whose estates in any one district does not exceed fifty rupees a year.

Exemption from liability to pay assessment.

9. The sums leviable under this Act shall be paid into the district treasury half-yearly and in advance by the persons liable to pay the same; and any person or the local agent of any person liable to pay any sum assessed under this Act, who shall refuse or shall, for the space of thirty days after the day appointed for the payment thereof, neglect to pay the same, shall be liable to pay double the amount so assessed, which said double amount, in default of immediate payment, shall be levied by the order of the Magistrate or of such other officer as aforesaid by distraint and sale of moveable property of the person making default;

Payment to be half-yearly, and in advance, and double amount to be levied on default.

provided always that no person shall become liable to pay double the amount originally assessed, so long as any appeal instituted by him under section seven of this Act shall be pending.

Any surplus to be carried to credit of next year's dak account.

10. If the whole of the sum raised for the service of any one year be not actually required for that service, the surplus shall be placed to the credit of the zemindary dak account for the next ensuing year, and shall go in reduction of the total sum to be levied for the service of that year under this Act: and when a double amount is levied under the last preceding section, so much, therefore, as is in excess of the sum for which the person from whom it is levied was in the first instance assessed, shall in like manner be placed to the credit of the next ensuing year's account, and go in reduction of the total sum to be levied for that year.

Government to frame general rules.

11. The Government may from time to time frame general rules for the guidance of the authorities and for the transport of the daks established by this Act, provided such rules be not incompatible with its provisions, or with the provisions of the *Indian Post Office Act, 1866, or with any rules made under that Act by the Governor-General of India in Council.

This Act not to affect contracts between zemindars and their under-tenants.

12. Nothing in this Act contained shall in any way affect or alter any contract or engagement made or to be made by any zemindar with any person holding under him.

Commencement of Act.

13. This Act shall take effect on and from the first day of December next.

This Act does not relieve putneedars from their liability under the old laws of paying the zemindary dak charges—BISSONATH SIRKAR v. RANEE SHURNO MOYEE, 4 W. R., 6.

Where the terms of a contract made while section 10 of Regulation XX. of 1817 was in force, between a zemindar and his putnee lessees, clearly imposed on the latter the charge of the maintenance of the zemindary dak, this liability was held not affected by the subsequent repeal of the Regulation by this Act—SARODA SOONDERY DEBIA v. WOOMA CHURUN SIRKAR, 3. W. R., S. C. C., 17 (S. C. C., 154.)

Where the terms of a putnee lease did not make the putneedar liable for the maintenance of the zemindary daks, it was held that the putneedar was not liable for a tax which was imposed on the zemindar by this Act—RAKHAL DASS MOOKERJEE v. RANEE SHURNO MOYEE, 6 W. R., 100.

A suit for zemindary dak charges is not cognizable under Act X of 1859—RUTTON MONEY DOSSEE AND OTHERS v. BABOO JOTENDRO MOHUN TAGORE AND ANOTHER, 6 W. R., (Act X) 31.

---

* Act No. XIV of 1866, section 4.

ACT No. II of 1863.

(*Received the assent of the Lieutenant-Governor on the 17th January 1863, and of the Governor-General on the 21st idem.*)

An Act to abate and prevent nuisances arising from the smoke of Furnaces in the Town and Suburbs of Calcutta.

Preamble.

WHEREAS it is expedient to abate and prevent nuisances arising from the smoke of furnaces in the Town and Suburbs of Calcutta; It is enacted as follows:—

Furnaces in the Town and Suburbs of Calcutta to consume their own smoke.

1. Every furnace employed or to be employed anywhere within the Town or Suburbs of Calcutta in the working of engines by steam, and every furnace employed or to be employed within the said Town or Suburbs in any works, or in any building used for the purposes of trade or manufacture (although a steam engine be not used or employed therein) shall be constructed or altered so as to consume or burn the smoke arising from such furnace on and after the first day of July 1864.

Penalty.

And if any person, on or after the said first day of July 1864, and within the Town and Suburbs aforesaid, shall use any such furnace which shall not be constructed or altered so as to consume or burn its own smoke, or shall so negligently use any such furnace as that the smoke arising therefrom shall not be effectually consumed or burned, or shall not use the best practicable means for preventing or counteracting such smoke, every person so offending being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier in charge of such furnace, shall, upon a summary conviction for such offence before any Magistrate, forfeit and pay a sum of not more than fifty rupees, and upon a second conviction for such offence the sum of one hundred rupees, and for each subsequent conviction a sum double the amount of the penalty imposed for the last preceding conviction.

Exception as to locomotive engines and steam vessels.

Provided always that this Act shall not apply to any locomotive engine used wholly upon any railway in the Suburbs of Calcutta, nor to any steam vessel which is not employed as a ferry boat plying from any one place within the said Town and Suburbs of Calcutta to any other place within the said limits.

Interpretation of the term "consume or burn the smoke."

2. The words "consume or burn the smoke" as used in this Act shall not be held to mean "consume or burn every particle of the smoke," and the Magistrate before whom any person shall be summoned may remit the penalties enacted by this Act, if he shall be satisfied that such person has so constructed or altered his furnace as to consume or burn, as far as possible, all the smoke arising from such furnace, and has carefully attended to the same, and consumed or burned, as far as possible, the smoke arising from such furnace.

Magistrate may grant order giving power to inspect a furnace.

3. It shall be lawful for any Magistrate to grant an order authorizing any person therein named to inspect any furnace to which the provisions of this Act shall apply and to examine the construction thereof.

Procedure in case of refusal by owner.

If the owner or occupier of any premises to which the provisions of this Act shall apply, shall refuse to allow his premises to be inspected by a person duly authorised by a Magistrate for that purpose, it shall be lawful for any police officer or other person authorised by the order in writing of a Magistrate, with or without any assistants, to enter into and upon such premises and to inspect the same and examine any furnace therein;

Penalty.

and any person obstructing any such police officer or other person or his assistants in the execution of any such order shall, upon a summary conviction for such offence before a Magistrate, forfeit and pay a sum not exceeding two hundred rupees.

No information to be laid except by authority of Magistrate.

4. No information shall be laid against any person for the recovery of any penalty under this Act, except by the authority of a Magistrate.

Definition of "Magistrate" and "Suburbs of Calcutta."

5. In this Act the word "Magistrate" as regards cases arising within the local limits of the town of Calcutta, shall mean any Magistrate of Police for the said town, and as regards cases arising without the said town shall mean any officer having the full powers of a Magistrate: and the term "Suburbs of Calcutta" shall include the suburbs of Calcutta and the station of Howrah as defined and described in Act XXI of 1857 (*for making better provision for the order and good government of the suburbs of Calcutta and of the station of Howrah.*)

Words in the singular number to comprise words in the plural.

6. Words used in the singular number in this Act shall be held to comprise the plural, and words used in the plural number to comprise the singular.

7. All penalties imposed by this Act may be recovered if for offences not committed within the local limits of the town of Calcutta, in the manner prescribed for the recovery of fines by *section 307 of the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed for the recovery of penalties by any Act for regulating the Police of the town of Calcutta in force for the time being.

Recovery of penalties.

All penalties to be levied under this Act shall be disposed of in such manner as the Lieutenant-Governor of Bengal from time to time shall direct.

ACT No. II OF 1864.

CONTENTS.

PREAMBLE.

SECTION.

2.—Interpretation clause.

3.—Civil and criminal jails to be maintained in every district.

4.—Central jails to be maintained.

6.—Central jail to be under control of a Superintendent, invested with the powers of a Magistrate.

7.—Government to make rules and appoint visiting and medical officers.

8.—Lieutenant-Governor to appoint a person or persons to inspect and superintend jails.

9.—A jailor to be appointed for every jail.

10.—Discharge of prisoners.

11.—Release of prisoners in certain cases.

12.—Temporary shelter and custody of prisoners when jail is overcrowded or in case of disease.

13.—Property of prisoner to be taken charge of during his imprisonment.

14.—Classification of prisoners.

16.—Persons employed in jails to be subject to rules made by Government.

17.—Penalty for taking articles into a jail or communicating with prisoner.

18.—Record of punishments inflicted. No further punishment for the same offence.

Offender may be committed to the sessions.

---

* Act No. X of 1872, section 2, Schedule V.

ACT No. II OF 1864.

(*Received the assent of the Lieutenant-Governor on the* 11*th February* 1864, *and of the Governor-General on the* 24*th idem.*)

An Act for the regulation of Jails and the enforcement of discipline therein.

Preamble.

WHEREAS it is expedient that the laws relating to jails in the provinces under the control of the Lieutenant-Governor of Bengal should be consolidated and amended; It is enacted as follows:—

1. [*Repealed by Act No. XII of* 1873.]

Interpretation clause.

2. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the context repugnant to such construction, that is to say—

"Magistrate of the District."

The words "Magistrate of the District" shall mean the Chief Officer charged with the executive administration of a District, or place in criminal matters by whatever designation such Officer is called.

"Magistrate."

The word "Magistrate" shall include all persons exercising all or any of the powers of a Magistrate.

"The powers of a Magistrate."

The words "the powers of a Magistrate" shall imply the full powers of a Magistrate.

"Criminal Court."

The words "Criminal Court" shall denote every Judge or Magistrate lawfully exercising jurisdiction in criminal cases whether for the decision of such cases in the first instance or an appeal, or for commitment to any other Court or Officer.

"District" and "Division of a district."

The local jurisdiction of the Magistrate of a District or place shall, for the purposes of this Act, be deemed a "District," and the local jurisdiction in a particular part of a District vested in a Magistrate other than the Magistrate of the District, shall be deemed a "Division of a District."

Gender.
Number.

Words importing the masculine gender shall include the feminine, and words importing the singular number shall include the plural.

* See Bengal Act V. of 1865.

3. In every district there shall be maintained a civil jail and a criminal jail, for the imprisonment of persons lawfully committed to such jails respectively. Jails of the like description shall be maintained in every division of a district wherein the Government of Bengal may deem them to be necessary.

Civil and criminal jails to be maintained in every district.

4. In such places as the Government shall appoint, there shall be maintained central jails for the imprisonment therein of such persons committed to prison by Criminal Courts as the Government may deem to be proper subjects for such imprisonment.

Central jails to be maintained.

5. [*Repealed by Bengal Act V. of* 1865.]

6. Every central jail shall be under the control of a Superintendent to be appointed by the Government, and such officer shall be invested with the powers of a Magistrate to be exercised for the purposes of this Act.

Central jail to be under control of a superintendent, invested with the powers of a Magistrate.

7. The Government shall from time to time make such rules as may appear necessary for the supervision, employment, custody, dieting, and treatment of prisoners, and for the management of jails; and shall from time to time, appoint such visiting and medical officers for jails as may be considered necessary for securing the observance of such rules and for the due care of the prisoners.

Government to make rules and appoint visiting and medical officers.

The Commissioner of the division and the Judge of the district shall respectively be ex-officio visiting officers within the division or district.

8. The Lieutenant-Governor of Bengal shall appoint such person or persons as he shall think fit to inspect and superintend, subject to the orders of the Government, the jails in every district in the said provinces, and shall vest in such person or persons such authority for the purpose as may seem proper.

Lieutenant-Governor to appoint a person or persons to inspect and superintend jails.

9. Under such rule as the Government shall prescribe in this behalf there shall, for every jail, be appointed a jailor.

A jailor to be appointed for every jail.

10. No prisoner shall be discharged except in presence of the officer in whom the control of the jail shall be vested, or of a Magistrate.

Discharge of prisoners.

11. Under such rule as the Government shall prescribe in this behalf it shall be lawful for the officer in whom the control of a jail shall be vested, to order the immediate release of any prisoner suffering from disease likely to cause death.

Release of prisoners in certain cases.

Temporary shelter and custody of prisoners when jail is overcrowded, or in case of disease.

12. Whenever it shall appear to the Government that the number of prisoners in any jail is greater than can conveniently or safely be kept within such jail, or whenever any epidemic disease may make its appearance within such jail, it shall be lawful for the officer in whom the control of such jail shall be vested to provide, in such manner as the Government may order, for the temporary shelter and safe custody of such prisoners as may be in excess of the greatest number that can be conveniently or safely kept in the jail, or of prisoners who would be at the risk of suffering from such disease.

Prisoners for whom such temporary shelter may be provided shall be subject to the same rules as if they were within the jail.

Property of prisoner to be taken charge of during his imprisonment.

13. All property or money in respect whereof no order of a competent Court shall have been made, which shall be delivered with or found upon the person of a prisoner sentenced by a Criminal Court when received into a jail shall, during such prisoner's term of imprisonment, be taken charge of by the officer in whom the control of the jail shall be vested, under such rule for the safe custody thereof as the Government shall prescribe.

Provided that such officer may, at his discretion, make over such property or money belonging to the prisoner to whomsoever such prisoner may indicate.

Classification of prisoners.

14. Prisoners shall be classified and kept apart and in separate confinement in such manner as the Government shall by rule prescribe. Provided that male prisoners of all classes shall be kept apart from female prisoners; prisoners committed to the civil jail from prisoners committed to the criminal jail; and prisoners convicted of offences from prisoners not convicted.

15. [*Repealed by Bengal Act V of* 1865.]

Persons employed in jails to be subject to rules made by Government.

16. All persons employed within any jail or in keeping prisoners in custody shall be subject to such rules as may be made by the Government for their good order and discipline, and for regulating communication with prisoners, and it shall be lawful for the Government to affix fines as penalties for the breach of any such rules, provided that no such penalty shall exceed fifty rupees.

Copies of such rules shall be exhibited in some place to which all persons employed within the jail or in keeping prisoners in custody have access, and the officer in whom the control of the jail shall be vested shall have authority to punish persons offending against such rules.

17. Whoever, without due permission, takes, or attempts to take, or introduce, or attempts to introduce, or throws, or attempts to throw, into any part of a jail, any article prohibited by the rules to be made under this Act, or communicates or attempts to communicate with any prisoner in any mode contrary to such rules, shall be liable to be apprehended and brought before a Magistrate, and on conviction shall be liable to a fine not exceeding fifty rupees, or to imprisonment, simple or rigorous, for any term not exceeding two months.

Penalty for taking articles into a jail or communicating with prisoner.

18. The officer in whom the control of a jail shall be vested shall keep a book, in which he shall record all cases of punishments inflicted by him under this Act, stating the charge, the manner in which it was supported by evidence, and the order made. And no person, who has been punished by such officer under the provisions of this Act, shall be punished in any other way or by any other authority for the same offence.

Record of punishments inflicted. No further punishment for the same offence.

Provided that nothing in this Act shall be held to prevent the officer in whom the control of a jail shall be vested from committing any prisoner or person employed within any jail or in keeping prisoners in custody, for trial before a Magistrate or Sessions Court whenever such prisoner or person shall have been guilty of an offence for which the punishment authorized to be inflicted under this Act may appear inadequate.

Offender may be committed to the Sessions.

19. [*Repealed by Bengal Act V of* 1866.]

20. [*Repealed by Act No. XII of* 1873.]

This Act is in force in the Sonthal Pergunnahs. *See* Regulation I of 1872 (*for the peace and good government of the territory known as the Sonthal Pergunnahs.*)

ACT No. IV OF 1864.

(*Received the assent of the Lieutenant-Governor on the 2nd April* 1864, *and of the Governor-General on the* 11*th idem.*)

An Act to amend Act XXI of 1836.

WHEREAS it is expedient to amend Act XXI of 1836; It is enacted as follows:—

Preamble.

It shall be lawful for the Lieutenant-Governor of Bengal from time to time to alter the limits of existing Zillahs in any part of the provinces subject to the control of the said Lieutenant-Governor.

Lieutenant-Governor of Bengal may alter the limits of existing Zillahs

This Act is in force in the Sonthal Pergunnahs. *See* Regulation I of 1872 (*for the peace and good Government of the Territory known as the Sonthal Pergunnahs.*)

THE CANALS' ACT, 1864.

CONTENTS.

PREAMBLE.

SECTION.

1.—Interpretation clause.
2.—Lieutenant-Governor may declare navigable channels to be subject to the provisions of this Act.
3.—Lieutenant-Governor may authorize persons to make navigable channels. Mode of obtaining land for the purpose.
4.—No action to lie against Government in respect of acts done in pursuance of the last section.
5.—Tolls to be paid on lines of navigation subject to this Act.
6.—Lieutenant-Governor may fix and alter rates of tolls.
7.—Notification of rates of toll to be exhibited at every toll-house.
8.—Lieutenant-Governor may appoint persons to collect tolls. Tolls may be farmed.
9.—If toll not paid, vessel may be seized and sold.
Time of sale.
Application of sale proceeds.
10.—Penalty for evasion of toll.
11.—Rules relating to lines of navigation.
12.—Publication of rules.
13.—Appointment of supervisor with power to remove obstruction.
14.—Mode of exercising such power.
15.—Supervisor may prohibit the construction of bandells, &c.
16.—Penalty for causing obstruction to line of navigation.
17.—Recovery of fines.
18—Offences against this Act by whom punishable.
20—Short title.
SCHEDULE.

ACT No. V OF 1864.

(*Received the assent of the Lieutenant-Governor on the* 12*th April* 1864, *and of the Governor-General on the* 14*th May* 1864.)

An Act to amend and consolidate the Law relating to the collection of Tolls on Canals and other lines of navigation, and for the construction and improvement of lines of navigation, within the Provinces under the control of the Lieutenant-Governor of Bengal.

Preamble.

WHEREAS it is expedient to amend and consolidate the law relating to the collection of tolls on the canals and lines of navigation specified in the Regulations and Acts in the Schedule to this Act annexed, and to authorize the collection of tolls on such other lines of navigation as may hereafter be rendered subject to the provisions of this Act, and to provide for the construction and improvement of lines of navigation; It is enacted as follows:—

Interpretation clause

1. The following words shall have the several meanings hereby assigned to them, unless where a contrary intention shall appear from the context, that is to say:—

"Vessel."

The word "Vessel" shall include any ship, barge, boat, raft, timber, bamboos, or floating materials, propelled in any manner.

"Line of Navigation."

The words "Line of Navigation" shall mean any navigable channel subject to the provisions of this Act.

"Channel."

The word "Channel" shall include any river, canal, khaal, nullah, or water way, whether natural or artificial.

"Person."

The word "Person" shall include any company, association, or body of persons whether incorporated or not.

Number.

Words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Gender.

Words importing the masculine gender shall include the feminine.

2. It shall be lawful for the Lieutenant-Governor of Bengal, from time to time by notification to that effect published in the *Calcutta Gazette*, to declare that the provisions of this Act shall apply to any navigable channel specified in such notification, and from and after such publication the provisions of this Act shall apply to, and be in force as regards, such navigable channel, and such of the Regulations and Acts specified in the Schedule to this Act as were applicable to such navigable channel, shall thenceforth cease to have any force or effect as respects such channel.

Lieutenant-Governor may declare navigable channels to be subject to the provisions of this Act.

The Act has been extended to the Ooloobaria Canal, *Calcutta Gazette*, 1864, p. 1328; to certain Calcutta Canals and Tolly's Nullah, *ibid* 1864, p 2078, to portions of the Khatta Khal and Biddhadaree river, *ibid.* 1865, p 777; to the "Eastern Canal," *ibid* 1865, p. 1200, to three navigable channels in the Backergunge district, *ibid.* 1866, p. 1524; to a navigable channel in the Dacca district, *ibid.* 1866, p 1707, to Bhagirutty, Mattabangah and Jellinghee rivers, *ibid* 1868, p 512, to second Reach of the High Level Canal, *ibid* 1871, p. 2083, to certain canals in the districts of Shahabad and Gya, *ibid.* 1876, p 191; to Byrub river and portions of river Ganges and Hooghly, *ibid* 1876, p 525.

3. It shall be lawful for the Lieutenant-Governor of Bengal, from time to time, to authorize any person to make and open any navigable channels, or to clear and deepen any navigable channel, and to stop any water-course, or make any tracking path, or do any other act necessary for the making or improvement of any such channel; and any navigable channel made under this section shall be rendered subject to the provisions of this Act in the manner prescribed in the last preceding section.

Lieutenant-Governor may authorize persons to make navigable channels.

The Government of Bengal may take possession, as for a public purpose, of any land that may be necessary for the execution of any of the abovementioned works, under the provisions of the *Land Acquisition Act, 1870, or of any other Act that may now or hereafter be in force for the taking possession of land for public purposes.

Mode of obtaining land for the purpose.

4. No action or suit shall be brought against the Secretary of State for India in Council, or the Government, in respect of any injury or damage caused by, or resulting from, any act done under the last preceding section.

No action to lie against Government in respect of acts done in pursuance of the last section.

5. Tolls at such rates as shall be fixed in manner hereinafter mentioned shall be paid in respect of all vessels entering upon, or passing along any of the lines of navigation subject to the provisions of this Act: Provided that such tolls shall be payable only so long as such line of navigation shall be open.

Tolls to be paid on lines of navigation subject to this Act.

---

* Act No X of 1870, section 2, para 2.

6. The Lieutenant-Governor of Bengal may fix, and from time to time alter, the rates at which such tolls shall be levied: Provided that no toll shall be levied, and no alteration of any rate of toll shall have effect, until notice shall have been published in the *Calcutta Gazette*, for such period as the said Lieutenant-Governor may fix, of the intention to levy or alter such toll, and of the rate and place at which such toll is to be levied.

Lieutenant-Governor may fix and alter rates of tolls.

7. Notification of the rates of toll, and of the places of collection, shall be at all times exhibited to public view at every toll-house where toll is levied under this Act, in the English, Urdu, and Bengalee languages.

Notification of rates of toll to be exhibited at every toll-house.

8. The Lieutenant-Governor of Bengal shall appoint such persons as he may think fit to collect tolls under this Act, and it shall be lawful for any person so appointed to farm out the collection of tolls to any other person, with the sanction of the Government of Bengal, or to employ any other person in such collection. The person to whom the collection of tolls may be farmed out, or who may be employed in the collection of them, shall have power to collect, and be authorized to receive them, in the like manner as any person appointed as aforesaid.

Lieutenant-Governor may appoint persons to collect tolls. Tolls may be farm

9. If any toll due under the provisions of this Act in respect of any vessel shall not be paid on demand to the person authorized to collect the same, it shall be lawful for such person to seize such vessel, and any furniture thereof, and to detain the same; and such person shall, within twenty-four hours of such seizure and detention, report the same to the nearest Collector or Deputy Collector of the District in which the seizure has been made, or other public officer duly authorized by Government in that behalf; and on receipt of this report, the Collector, Deputy Collector, or other officer as aforesaid shall publish a notice appointing a day for the sale of the said vessel and any furniture thereof.

If toll not paid, vessel may be seized and sold.

The sale shall be held at some period not less than fifteen days from the date of the publication of notice of sale; and if the toll and also any expenses occasioned by non-payment be not paid, or sufficient cause for non-payment be not shown, at or before the time of sale to the Collector, Deputy Collector, or other officer as aforesaid, such officer shall sell the vessel and furniture seized, or so much thereof as may be necessary to pay the toll and also any expenses occasioned by non-payment.

Time of sale.

So much of the property seized as may not have been sold, and so much of the sale proceeds as may be in excess of the sum necessary for satisfying the toll and for defraying the expenses occasioned by non-payment, shall be returned to the person in charge of the vessel.

Application of sale proceeds.

10. Any person who shall refuse or evade, or attempt to evade, any toll due under this Act, shall be punished, on conviction before a Magistrate, with a fine which may extend to fifty rupees, or with simple imprisonment in lieu of fine which may extend to one month.

Penalty for evasion of toll.

11. It shall be lawful for the Lieutenant-Governor of Bengal from time to time to make rules not repugnant to any law in force, and to repeal, alter, and amend the same, for the management of any line of navigation subject to this Act, and for regulating the conduct of persons employed for any of the purposes of this Act; and the Lieutenant-Governor may affix fines as penalties for the infringement of such rules not exceeding fifty rupees for any one infiingement, or five rupees a day for any continuing infringement.

Rules relating to lines of navigation.

Such rules may contain directions for any of the following amongst other matters:—

for determining the tonnage of vessels and their measurement;

for fixing the number and the width of vessels to be allowed to pass into, or out of, or through any line of navigation at one time or abreast;

for determining the length of time during which vessels may remain stationary on any line of navigation, and the amount of demurrage to be paid by vessels remaining stationary beyond such time;

for regulating the mode in which, and the places at which, tolls are to be levied under this Act;

for the removal of sunken vessels and obstructions; and

for the storing and disposal of the cargo of vessels seized under this Act.

12. Rules shall not be passed until the same shall have been published in the *Calcutta Gazette* for a period of six weeks, and after that time the rules shall be published as passed, with such alterations (if any) as to the Lieutenant-Governor of Bengal shall seem fit.

Publication of rules.

The rules so published as passed shall not have effect until the expiration of two weeks after such last publication; and all rules so published shall, until the same be repealed or altered, be of like effect as if they were inserted in this Act.

Copies of all rules in the English, Urdu, and Bengalee languages shall be exhibited to public view at every place where toll is collected.

Appointment of supervisor with power to remove obstructions.

13. It shall be lawful for the Government of Bengal to appoint any person to be the supervisor of any line of navigation subject to the provisions of this Act, and such person shall be empowered to cut down and remove any tree which may have fallen or may be likely to fall into such line of navigation, and to remove any sunken vessel, and to prevent or remove any other nuisance or obstruction to navigation, of whatever description, whenever he may think it necessary.

Mode of exercising such power.

14. Whenever such supervisor shall consider that the cutting down and removal of any tree or the removal of any other obstruction is necessary, he may in cases of emergency at once remove the same, and may for that purpose enter on any private property. In cases not of an emergent nature, he shall serve a notice in writing on the owner, or occupier of such private property, directing him to remove the same within a reasonable time. If the owner or occupier cannot be found, notice may be served by notification to be affixed in some conspicuous place in the nearest village.

If the owner or occupier shall not remove the obstruction within the time given in the notice, the supervisor may proceed to remove it himself, and may for that purpose enter on any private property. Payment of all expenses of such removal may be enforced by the sale of the thing removed in the manner provided for the recovery of tolls in section nine of this Act.

Supervisor may forbid the construction of bandells, &c.

15. Whenever in the opinion of such supervisor the construction of any bandell or other contrivance for fishing, or for any other purpose, in any line of navigation, is likely to cause obstruction to the free and safe transit of such line of navigation, he may, by a notice in writing to be served on the owner or person in charge of such bandell or other contrivance, or (if such owner or other person cannot be found) to be affixed at some conspicuous place in the nearest village, forbid the construction of such bandell or other contrivance.

Penalty for causing obstruction to line of navigation.

16. Any person who shall wilfully cause or shall aid in causing any obstruction to any line of navigation, or any damage to the banks or works of such line of navigation, or who shall wilfully omit to remove such obstruction after being lawfully required so to do, shall be punished on conviction before a Magistrate with simple imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both, and shall also be

liable to pay such fine as may be sufficient to meet all reasonable expenses incurred in abating or removing such obstruction, or in repairing such damage.

See QUEEN v. KABIL MANJI, 2 B. L. R., A. C., 23.

Recovery of fines.

17. All fines imposed by this Act may be recovered in the manner prescribed by the Code of Criminal Procedure.

Offences against this Act by whom punishable.

18. If any person shall be guilty of an offence against the provisions of this Act on any line of navigation subject to this Act, such offence shall be punishable by any Magistrate having jurisdiction over any district or place adjoining such line of navigation, or adjoining either side of that part of the line of navigation in which such offence shall be committed; and such Magistrate may exercise all the powers of a Magistrate under this Act, in the same manner, and to the same extent, as if such offence had been committed locally within the limits of his jurisdiction, notwithstanding the offence may not have been committed locally within such limits; and in case any such Magistrate shall exercise the jurisdiction hereby vested in him, the offence shall be deemed, for all purposes, to have been committed locally within the limits of his jurisdiction.

19. [*Repealed by Act No. XII of* 1873.]

Short title.

20. This Act may be cited as "The Canals' Act, 1864.

SCHEDULE OF REGULATIONS AND ACTS.

(*See section* 2)

Regulation XVIII of 1806	For collecting a toll on boats passing through the Eastern Canal which connects the River Hooghly with the Soonderbunds, and through the canals commonly called the Banka Nullah, the Koonjopore Khaal, the Gowah Khaal, and the Naraimpore Khaal.
Regulation VIII of 1824	For rescinding Regulation IV of 1813, for determining the rates of toll to be levied on boats, rafts, timbers, and the like passing through the Bhaugirutee, Jellinghee, Issamuttee, Matabhangah and Choornee Rivers, and for providing for the better collection of the toll, and for the secure navigation of the aforesaid and other navigable rivers.
Act XXII of 1836	Relating to the levy of a toll on boats, floats, and rafts passing through the Circular and Eastern Canals.
Act X of 1853	To amend Act XXII of 1836.
Act XV of 1860	To amend and extend Act XXII of 1836.

*ACT No. VI OF 1864.

(*Received the assent of the Lieutenant-Governor on the 12th April 1864, and of the Governor-General on the 18th May 1864.*)

An Act to provide for the periodical Inspection of Steam Boilers and Prime Movers attached thereto in the Town and Suburbs of Calcutta.

Preamble.

WHEREAS it is expedient to provide for the inspection by competent inspectors of steam boilers and prime movers attached thereto in the Town and Suburbs of Calcutta, with a view to the security of persons and property; It is enacted as follows:—

Interpretation.

1. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless where a contrary intention shall appear from the context, that is to say—

"Boiler."

The word "Boiler" shall include any cylinder or vessel for generating steam under pressure.

"Prime Mover"

The words "Prime Mover" shall include any steam engine, fly wheel, first driving shaft, and pulley attached to any such engine.

"Owner."

The word "Owner" shall include any agent or hirer using any boiler or prime mover.

"Suburbs of Calcutta."

The term "Suburbs of Calcutta" shall include the Suburbs of Calcutta and the Station of Howrah, as defined in Act XXI of 1857 (*for making better provision for the order and good government of the Suburbs of Calcutta and of the Station of Howrah.*)

Number.

Words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Gender.

Words importing the masculine gender shall include the feminine.

Inspectors to be appointed for the purposes of this Act.

2. The Lieutenant-Governor of Bengal shall appoint inspectors for the purposes of this Act, who shall inspect all boilers and prime movers attached thereto, in the Town and Suburbs of Calcutta in the manner hereinafter provided.

* See Bengal Act III of 1875, section 2.

3. It shall not be lawful for the owner of any such boiler or prime mover as aforesaid to use the same in the said Town and Suburbs, unless a certificate shall have been duly granted in respect thereof in the manner hereinafter provided; and it shall not be lawful for such owner to continue to use such boiler or prime mover after the period for which such certificate shall have been granted.

Prohibition of the use of a boiler or prime mover without a certificate under this Act.

4. The owner of any such boiler or prime mover as aforesaid in respect whereof a certificate shall not be in force in manner hereinafter described, shall, before using the same, give notice to an inspector appointed under this Act of his intention to use or continue to use the same.

Owner to give notice to inspector regarding boiler or prime mover.

The inspector to whom such notice shall be given, shall appoint a time between sunrise and sunset, and within forty-eight hours after such notice, for the inspection of such boiler or prime mover, and at such time shall carefully examine such boiler or prime mover, and every part thereof, and the owner or person in charge thereof shall afford to such inspector all reasonable facilities for such examination and all such information as may reasonably be required.

Inspectors to appoint time for inspection.

5. An inspector, making an inspection under this Act of any such boiler or prime mover as aforesaid, if he be satisfied that such boiler or prime mover is in good condition, shall on payment by the owner or person in charge thereof of such fees as shall be fixed in the rules hereinafter mentioned, give to the owner a certificate signed by him to that effect, in the form in the Schedule to this Act annexed.

If satisfied with the condition of boiler or prime mover, inspector to give a certificate to the owner on payment of fee.

And such certificate shall state the period for which such boiler or prime mover may be used, and shall cease to be in force on the expiration of such period.

6. The Lieutenant-Governor of Bengal, or any person authorized by him in that behalf, may revoke any certificate granted under this Act, in any case in which he shall have reason to believe that such certificate has been fraudulently obtained or erroneously granted, or has been granted without sufficient inspection, or in case he shall have reason to believe that the boiler or prime mover, in respect whereof such certificate shall have been granted, since the granting of such certificate, has sustained injury or is not in good condition.

Revocation of certificate.

On such revocation of a certificate, an inspector, not being the person who granted the revoked certificate, shall again examine the boiler or prime mover in respect whereof such revoked certificate was granted, in the manner prescribed in section 4

Further examination on revocation of certificate.

of this Act, and if he shall be satisfied that the same is in good condition, shall grant another certificate. Provided that no additional fee shall be paid unless there shall appear to have been reasonable ground for revoking the certificate.

Rules to be made.

7. The Lieutenant-Governor of Bengal shall, from time to time, frame rules regulating the fees payable for certificates, and the duties of inspectors appointed under this Act. Such rules shall not have effect until they shall have been published in the *Calcutta Gazette* for a period of six weeks, and shall not be inconsistent with the provisions of this Act.

Owner bound to produce certificate when called upon by Magistrate or duly authorized person.

8. The owner of any such boiler or prime mover as aforesaid who shall have obtained a certificate for the same, shall, at all reasonable times during the period for which the same may be in force, be bound to produce such certificate when called upon to do so by any Magistrate having jurisdiction within the Town or Suburbs of Calcutta, or by any person authorized in writing by such Magistrate to demand its production.

Penalty for using boiler or prime mover not having duly obtained a certificate.

9. The owner of any such boiler or prime mover as aforesaid, who shall use the same in the said Town or Suburbs without a certificate duly obtained and in force in respect thereof under this Act, shall be punished with a fine not exceeding five hundred rupees; and to continue to use the same after such fine shall have been imposed shall be held to be a separate offence, and shall be punished in like manner.

No proceeding shall be taken to enforce this penalty before such day after this Act shall have come into operation as the Lieutenant-Governor of Bengal shall fix by notification in the *Calcutta Gazette*.

Act not to apply to locomotive railway engines, nor to steam vessels.

10. This Act shall not apply to any locomotive engine used upon any railway in the Town or Suburbs of Calcutta, or to any steam vessel in the port of Calcutta.

Recovery of penalties.

11. All penalties imposed by this Act may be recovered, if for offences committed beyond the local limits of the Town of Calcutta in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits in the manner prescribed by *Act XIII of 1856 (*for regulating the Police of the Towns of Calcutta, Madras, and Bombay*), and *Act XLVIII of 1860 (*to amend*

* Repealed, so far as it relates to Calcutta, by Bengal Act IV of 1866.

Act XIII of 1856) or any other Act for regulating the Police of the Town of Calcutta in force for the time being.

Disposal of penalties.

All penalties to be levied under this Act shall be disposed of in such manner as the Lieutenant-Governor of Bengal from time to time shall direct.

Charges within what period to be brought.

12. No charge shall be brought against any person for the recovery of any penalty under this Act except within six months after the commission of the offence, nor shall such charge be brought without the authority of an inspector appointed under this Act.

13. [*Repealed by Act No. XII of* 1873.]

SCHEDULE.

(*See Section* 5.)

Form of Inspector's Certificate.

Name of owner.	Description of boiler and age.	Description of prime mover and age.	Power.	When and where made.	When and where last repaired.	Time for which boiler or prime mover is to be used and certificate to be in force.	REMARKS.

I, the undersigned, certify that I have examined the above-named boiler (*or prime mover*), and to the best of my judgment the boiler (*or prime mover*), as shown in the above statement, is in good condition.

A. B.,
Inspector.

THE SALT ACT, 1864.

CONTENTS.

PART I.

PRELIMINARY.

PREAMBLE.

SECTION.

1.—Short title.

3.—Interpretation clause.

PART II.

UNLICENSED MANUFACTURE OF SALT PROHIBITED, AND DUTY ON SALT MANUFACTURED BY LICENSED PERSONS.

4.—Unlicensed manufacture of salt prohibited.

5.—Penalty for such manufacture.

6.—Confiscation of salt and materials and implements used in unlicensed manufacture.

7.—Board of Revenue to grant licenses on certain conditions.

8.—Proprietors and others to give notice to the police of unlicensed salt works established on their lands.

Penalty for wilful omission or delay.

9.—Rate of duty to be levied on the manufacture of salt.

10.—Licensed manufacturer to provide a proper warehouse.

11.—Lieutenant-Governor may prescribe rules and fix penalties.

PART III.

POSSESSION AND TRANSPORT OF SALT WITHIN CERTAIN LIMITS.

12.—Lieutenant-Governor to define limits.

13.—Rowannahs by whom to be granted.

14.—Rowannah not to be granted without payment of duty.

15.—Limitation of possession or transport of salt.

16.—Seizure of contraband salt.

Penalties.

17.—Seizure of salt in excess of the quantity specified in the rowannah.

Penalty.

18.—Salt not being conveyed by the route and to a place prescribed in the rowannah to be confiscated.

19.—Salt transported beyond the limits not to be brought again within those limits without a special rowannah.
Penalty.
20.—Person selling or losing salt within the limits to certify on the back of the rowannah the quantity sold or lost.
21.—Penalty for omitting to certify the sale or loss of salt within the limits.
22.—When rowannah is to be delivered up.

PART IV.

Powers of Police and Magistrate.

23.—Inspection of salt works by police officers.
24.—Police officers may arrest persons carrying contraband salt.
25.—Salt seized may be weighed by police officer.
26.—Persons arrested under this Act to be forthwith taken before a Magistrate, and detained or admitted to bail.
27.—Magistrate of a district may issue search-warrant on application.
Also Magistrate of Calcutta.
28.—Powers of entry of a house by force.
29.—Magistrate may summon persons and adjudge confiscations under this Act.
30.—Rules in Code of Criminal Procedure regarding trial and appeal to apply.

PART V.

Miscellaneous.

31.—Seizures in Calcutta to be determined by a Justice of the Peace.
32.—Confiscated salt to vest in Her Majesty.
33.—Penalty for vexatious seizure or arrest.
34.—Penalty for second and subsequent conviction.
35.—Enforcement of penalties under this Act.
36.—Period of imprisonment in default of payment of fine.
37.—Charges within what period to be brought.
38.—*Writ of certiorari* not to affect judicial proceedings under this Act.
39.—Board of Revenue may call for a case and remit penalties.
40.—Disposal of the proceeds of seizure and fines.
41.—Limitation of suits

ACT No. VII of 1864.

(Received the assent of the Lieutenant-Governor on the 19th March 1864, and of the Governor-General on the 28th May 1864.)

An Act to amend and consolidate the laws relating to the manufacture, possession, transport, and sale of salt in the provinces under the control of the Lieutenant-Governor of Bengal.

Preamble.

WHEREAS it is expedient to amend and consolidate the laws relating to the manufacture, possession, transport, and sale of salt in the provinces under the control of the Lieutenant-Governor of Bengal; It is enacted as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as "The Salt Act, 1864."

2. [*This section and the schedule repealed by Act No. XII of* 1873.

Interpretation clause.

3. The following words shall have the several meanings hereby assigned to them, unless where a contrary intention shall appear from the context (that is to say)—

"Salt."

The word "Salt" shall include every saline substance and preparation used or intended to be used with food.

"Manufacture."

The word "Manufacture" shall include the preparation or collection of salt.

"Salt work."

The words "Salt work" shall mean any place used or intended to be used for the manufacture of salt.

"Board of Revenue."

The words "Board of Revenue" shall mean the Board of Revenue for the Lower Provinces of the Presidency of Fort William in Bengal.

"Magistrate."

The word *"Magistrate" shall mean any person exercising the full powers of a Magistrate under the Code of Criminal Procedure.

"Police Officer."

The words "Police Officer" shall include all village police officers.

* See Bengal Act I of 1873, sections 1 and 2.

"Seer."

The word "Seer" shall mean a weight of eighty tolahs.

"Maund."

The word "Maund" shall mean a weight of forty seers.

Salt in possession of servant or agent.

When salt is in the possession of a person's servant or agent on his account, it is in that person's possession within the meaning of this Act.

The causing or procuring an act to be done is punishable in the same manner as the doing of the act.

Where the doing of any act is made punishable by this Act, or by any of the rules to be made in pursuance thereof, with any penalty, the causing or procuring such act to be done shall be punishable in like manner.

"Rowannah."

The word "Rowannah" shall mean a written or printed permission duly issued under the provisions of this Act to possess or transport salt.

Number.

Words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Gender.

Words importing the masculine gender shall include the feminine.

PART II.

Unlicensed manufacture of Salt Prohibited.

Unlicensed manufacture of salt prohibited.

4. Within the provinces under the control of the Lieutenant-Governor of Bengal it shall not be lawful for any person, who is not duly licensed in the manner hereinafter provided, to manufacture salt.

The Act is in force in the Sonthal Pergunnahs, *See* Regulation I of 1872 (*for the peace and good government of the territory known as the Sonthal Pergunnahs.*)

Penalty for such manufacture.

5. Whoever without a license duly obtained under this Act, shall manufacture, or attempt to manufacture, salt, shall be punished with fine which may extend to five hundred rupees, or with simple imprisonment for a term which may extend to six months, or with both.

The use of each salt-work in such unlicensed manufacture shall be a separate offence within the meaning of this section, and each fire or fire-place, or place for collecting salt in any mode, used or intended to be used, in such manufacture, shall be deemed a separate salt-work.

The continuing, after conviction and sentence, of the offence mentioned in the introductory part of this section, shall be considered as amounting

to the commission of such offence, and shall be punishable in the same way as such offence.

Confiscation of salt, and materials and implements used in unlicensed manufacture.

6. All materials and implements used or intended to be used in manufacturing salt without a license, and all salt so manufactured, shall be confiscated.

Board of Revenue to grant licenses on certain conditions.

7. The Board of Revenue shall grant licenses to manufacture salt in such places in the said provinces, and to such persons as they shall think fit. Provided that no person shall obtain a license to manufacture salt unless he shall have complied with such terms and conditions for securing the payment of the duty hereinafter mentioned as may be required by the said Board.

Proprietors and others to give notice to the police of unlicensed salt-works established on their lands.

8. Every proprietor, tenant, under-tenant, and cultivator who owns or holds land on which there shall be any salt-work not licensed under the provisions of this Act, and every naib, gomashta, tehsildar, or other agent employed by the Government or the Court of Wards or by any private proprietor on such land, shall, within ten days after the existence of any such salt-work shall have come to his knowledge, give written notice of the same to a police officer.

Penalty for wilful omission or delay.

If any person bound to give notice under this section shall wilfully omit or delay to give the same, he shall for every such offence be liable to a fine not exceeding five hundred rupees for each salt-work.

Rate of duty to be levied on the manufacture of salt.

9. A duty shall be paid on all salt manufactured by persons licensed under this Act, at the rate of the customs duty levied upon salt imported by sea.

This section is modified by section 11 of Act No. XVIII of 1877, which is as follows : "In modification of Bengal Act No. VII of 1864, section 9, a duty shall be paid on salt manufactured at any place in the Division of Orissa by persons licensed under that Act, at such rate, not exceeding three rupees four annas, as the Governor-General in Council may from time to time fix for such place."

Licensed manufacturer to provide a proper warehouse.

10. Every licensed manufacturer of salt shall, before he begins to manufacture, provide a proper and secure warehouse, to be approved by the Board of Revenue, for the purpose of depositing and securing therein the salt to be manufactured; and all salt manufactured by him shall in the first instance be deposited in such warehouse.

Lieutenant-Governor may prescribe rules and fix penalties.

11. The Lieutenant-Governor of Bengal shall from time to time prescribe rules, which shall be notified in the *Calcutta Gazette*, for regulating the manufacture, deposit, and transport of salt, and for securing the payment of the

duty thereon, and shall from time to time fix penalties for infringements of such rules. Provided that no rule shall be repugnant to any of the provisions of this Act, or to any law in force, and that no penalty shall exceed five hundred rupees.

PART III.

POSSESSION AND TRANSPORT OF SALT WITHIN CERTAIN LIMITS.

Lieutenant-Governor to define limits.

12. Within such limits as the Lieutenant-Governor of Bengal shall define by notification in the *Calcutta Gazette*, the possession and transport of all salt shall be regulated in manner hereinafter provided.

Limits were fixed under this section by notification, dated 18th May 1865, *Calcutta Gazette* 1865, p. 945. The tract in and about Calcutta and Howrah excluded from the said limits by the above notification has been further defined, *ibid.*, 1867, p. 498. Limits were again defined, *ibid.*, 1869, p. 276; and further modifications made, *ibid.*, 1877, p. 968; 1878, p. 377.

Rowannahs by whom and how to be granted.

13. The Board of Revenue shall grant rowannahs for all salt possessed or transported within the limits so fixed, in accordance with such rules as the Government shall from time to time make in this behalf, and on payment of such fee as may be fixed in such rules.

Rowannah not to be granted without payment of duty.

14. No rowannah shall be granted unless the full amount of duty on the quantity of salt, to be specified in such rowannah, shall have been paid.

Limitation of possession or transport of salt.

15. It shall not be lawful to possess or transport more salt than five seers, unless the same shall be specified in a rowannah granted under section thirteen of this Act. Provided that this section shall not apply to salt imported by sea and warehoused under the *Sea Customs Act, 1878, or to salt deposited by a manufacturer in an approved warehouse under section ten of this Act.

Seizure of contraband salt.

16. Any salt exceeding five seers in quantity, which may be found within such limits as aforesaid, not specified in a rowannah, shall be held to be contraband, and as such shall be seized and confiscated. The vessels, packages, and covering in which such salt shall be found, and any animals or conveyances used in carrying it, shall also be seized and confiscated.

Penalties.

Any person possessing or transporting, or attempting to transport, such salt, shall be liable to a fine not exceeding five rupees for every maund of salt so seized and confiscated. All persons found in gangs or companies transporting, or attempting to transport, such salt, when the whole quantity exceeds ten seers, shall be liable

* Act No. VIII of 1878, section 2.

to the like penalty, and each one of the offenders shall be liable to the whole fine. In the cases aforesaid the fine shall be at the rate of five rupees per maund, according to the quantity of salt seized, whether more or less than one maund.

If salt exceeding five seers is found within the limits prescribed by section 12, unprotected by a rowannah, the salt is contraband, and liable to seizure, and the parties transporting it are punishable under this section. It matters not whether any attempt or intention to sell is proved or not—QUEEN v. OFATULLA, 6 B. L. R., 381.

See further as to confiscation and release of contraband salt—22 W. R., Cr., 82; 23 W. R., Cr., 6, 7.

Seizure of salt in excess of the quantity specified in the rowannah.

17. If any person shall possess, transport, or attempt to transport, within the said limits, under a rowannah a greater quantity of salt than is specified in such rowannah, the excess, as well as the quantity so specified, shall, if such excess be found on weighment to exceed two and a half per cent. on the quantity so specified, be held to be contraband, and as such shall be seized and confiscated.

Penalty.

Any person possessing or transporting, or attempting to transport, such salt, shall be liable to a fine of five rupees for every maund of salt in excess of the quantity so specified.

Salt not being conveyed by the route and to the place prescribed in the rowannah to be confiscated.

18. Salt being conveyed by a route or to a place other than that specified in such rowannah, shall be seized and confiscated. Any person possessing or transporting, or attempting to transport, such salt, shall be liable to the penalty prescribed in section sixteen of this Act.

The penalty cannot be inflicted on the owner of the salt and also on his servant or gomashta who has the salt in his possession, as the possession of the latter is the possession of the former—GUNGADHUR SAHOO AND OTHERS, *Petitioners*, 22 W. R., Cr., 9. See also QUEEN v. BOIDONATH AND OTHERS, 7 W. R., Cr., 48.

Salt transported beyond the limits, not to be brought again within those limits without a special rowannah.

19. Salt which may have been transported beyond the said limits shall not again be brought within those limits except under a special rowannah granted for the purpose under the authority of the Board of Revenue.

Penalty.

Any salt brought within such limits without such special rowannah, shall be seized and confiscated, and the persons in whose possession it may be found shall be liable to the penalty prescribed in section sixteen of this Act for the possession of contraband salt. It shall be competent to the said Board to withhold or grant such rowannah.

Person selling or losing salt within the limits to certify on the back of the rowannah the quantity sold or lost.

20. All persons possessed of salt specified in a rowannah, who may sell, lose or otherwise dispose of any portion of such salt within the said limits, shall certify on the back of such rowannah the quantity sold, lost, or disposed of by them.

Penalty for omitting to certify the sale or loss of salt within the limits.

21. Whoever within the said limits sells, loses, or disposes of salt, and wilfully or negligently omits to certify such sale, loss, or disposal thereof in the manner above described, shall be liable to a fine not exceeding five rupees for every maund so sold, lost, or disposed of by him, and any salt in his possession not exceeding twice the quantity sold, lost, or disposed of, may be seized by an officer in charge of the police-station as security for the payment of such fine.

When rowannah is to be delivered up.

22. If all the salt specified in a rowannah be disposed of within the said limits, such rowannah shall be delivered up to the officer in charge of the police-station within which the last parcel of the salt shall have been disposed of. If any part of the salt specified in such rowannah be carried beyond the said limits, such rowannah shall in that case be delivered up to the officer in charge of the last police-station which such salt may have to pass before being carried beyond the said limits.

PART IV.

Powers of Police and Magistrate.

Inspection of salt-works by police officers.

23. Any police officer may enter and inspect, at any time by day or night, any salt-work, or any warehouse or premises in which salt is stored.

Police officers may arrest persons carrying contraband salt.

24. Any police officer may arrest any person carrying or in possession of contraband salt, and may seize the vessels, packages, and covering, and any animals or conveyances used in carrying such salt.

Salt seized may be weighed by police officer.

25. For the purposes of the preceding section and of sections sixteen and seventeen of the Act, it shall be lawful for the officer in charge of the police-station, within which the salt shall be found, to cause the same to be weighed.

Persons arrested under this Act to be forthwith taken before a Magistrate and detained or admitted to bail.

26. Any person arrested on the ground that he has been guilty of an offence under this Act, shall forthwith be taken before a Magistrate or Justice of the Peace, who may, if he see reasonable cause, order such person to be detained in custody until the case shall have been disposed of in the manner hereinafter provided. Provided that any person so detained shall be liberated on giving recognizance or security to appear at such time and place as shall be appointed for his appearance.

Magistrate of a district may issue search-warrant on application.

27. It shall be lawful for the Magistrate of a district, or division of a district, on application by a police officer, stating his belief that salt is manufactured in any place within such district or division contrary to the provisions of this Act, or that salt not specified in a rowannah is kept or concealed in any house, boat, or place in such district or division, to issue a warrant to search for such salt. Such warrant shall be executed in the same way, and shall have the same effect as a search-warrant issued under the Code of Criminal Procedure.

Also Magistrate of Calcutta.

It shall be lawful for any Magistrate of the town of Calcutta, on the like application in reference to salt believed to be manufactured in Calcutta contrary to the provisions of this Act, or kept or concealed contrary to the provisions of this Act in any house, boat, or place in Calcutta, to issue a warrant, which shall be executed in the same way and shall have the same effect as a search-warrant under the *Calcutta Police Act, 1866.

Powers of entry of a house by force.

28. Whenever any officer in charge of a police-station shall have reasonable cause to believe from information (which shall be taken down in writing) that salt is being manufactured in any place contrary to the provisions of this Act, or that salt not specified in a rowannah is kept or concealed in any house, boat, or place,

such officer may, between sunrise and sunset, but always in the presence of another police officer, enter into any such house, boat, or place,

and in case of resistance may break open any door and remove any obstacle to such entry;

and may seize and carry away all such salt so found, and all materials and implements used, or intended to be used, in the manufacture;

and may arrest all persons concerned in the manufacture, or in the keeping and concealing of such salt:

Provided that whenever it shall be necessary to enter any house in such manner, the rules for entering a house in execution of a search-warrant, prescribed in †Chapter XXVII and sections 415 to 420 (both inclusive) of the Code of Criminal Procedure, and in the *Calcutta Police Act, 1866, shall be observed by the officer effecting such entry.

Magistrate may summon persons and adjudge confiscations under this Act.

29. When any salt or other property shall be seized as contraband, any Magistrate within the district or division of a district wherein the same may be seized, may, upon the information of any police officer, summon the person in possession of such salt or other property, or to whom the same

* Bengal Act I. of 1873, section 3.

† Act No. X. of 1872, section 2, para. 5, Schedule V.

may belong, to appear before him, and upon such appearance, or in default thereof, may examine into the cause of the seizure thereof, and may adjudge the same to be confiscated.

The power of a Magistrate under this section to confiscate salt, not protected by a rowannah in a prohibited district, is not affected, because there was no attempt or intention to sell the salt within the prohibited district—GOVERNMENT OF BENGAL v. AKATOOLAH AND OTHERS, 15 W. R., Cr. 21

Rules in Code of Criminal Procedure regarding trial and appeal to apply.

30. The rules contained in the Code of Criminal Procedure for the trial of cases before a Magistrate, and for appeal against orders passed by a Magistrate, shall be applicable to adjudications under the last preceding section.

PART V.

MISCELLANEOUS.

Seizures in Calcutta to be determined on by a Justice of the Peace.

31. When any salt or other property shall be seized under this Act as liable to confiscation within the local limits of the town of Calcutta, such seizure shall, upon information exhibited by any police officer, be heard and determined in a summary way by a Justice of the Peace for the town of Calcutta, and such Justice shall cause the person in possession of such salt or other property, or to whom the same may belong, to be summoned to appear before him, and upon such appearance, or in default thereof, shall inquire into the cause of such seizure, and may adjudge the same to be confiscated.

Confiscated salt to vest in Her Majesty.

32. When the confiscation of any salt or other property shall be adjudged under the three last preceding sections, the same shall thereupon belong to, and vest in, Her Majesty, and a warrant shall be issued by the court to a police officer, directing him to hold the salt or other property confiscated at the disposal of the Board of Revenue.

Penalty for vexatious seizure or arrest.

33. Any police officer who shall vexatiously and unnecessarily seize the goods or chattels of any person on the pretence of seizing or searching for contraband salt, or who shall vexatiously and unnecessarily arrest any person, or commit any other excess beyond what is required for the execution of his duty, shall be liable to a fine not exceeding five hundred rupees, or to simple imprisonment for a term not exceeding six months.

Penalty for second and subsequent convictions.

34. Whenever any person shall be convicted of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to simple imprisonment for a period not exceeding six months, and a like punishment of imprisonment not exceeding six

months shall be inflicted, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

Enforcement of penalties under this Act.

35. All penalties imposed by this Act may be enforced, if for offences not committed within the local limits of the town of Calcutta, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by the *Calcutta Police Act, 1866, or any other Act for regulating the police of the town of Calcutta in force for the time being.

Period of imprisonment in default of payment of fine.

36. In every case in which an offender shall be sentenced to a fine, the Court which sentences such offender shall direct by the sentence that in default of payment of the fine such offender shall be imprisoned for a certain term, which imprisonment shall be in excess of any other imprisonment to which he may have been sentenced.

The term of imprisonment shall be fixed according to the following scale,—that is to say, when the fine shall not exceed fifty rupees, such term shall not exceed two months; when the fine shall not exceed one hundred rupees, such term shall not exceed four months; and in any other case shall not exceed six months.

The fine, or any part thereof which shall remain unpaid, may be levied at any time within six years after the passing of the sentence, and the death of the offender shall not discharge from liability any property which would after his death be legally liable for his debts.

Charges within what period to be brought.

37. No charge of an offence under this Act shall be instituted except within six months after the commission of such offence.

Writ of certiorari not to affect judicial proceedings under this Act.

38. No *writ of certiorari* shall be issued at the suit of any party out of the High Court of Judicature, to supersede, stay, remove, or in anywise affect any information or judicial proceeding before any Justice of the Peace in pursuance of this Act, and no judgment thereupon shall be quashed, except for error of law apparent on the face of the judgment.

Board of Revenue may call for a case and remit penalties.

39. When any confiscation or penalty shall be adjudged under this Act, the Board of Revenue, within three months after final judgment, may call for the proceedings of the case, and if they shall see cause, may direct that the seizure or any part thereof be restored, and may remit the penalty or part thereof and direct that the offender be discharged.

---

* Bengal Act I of 1873, section 3.

40. All fines paid or levied under section thirty-five of this Act shall be at the disposal of the Board of Revenue, and the said Board may appropriate the same or any portion thereof, and the proceeds of any seizure or any portion of such proceeds, to form a fund for rewarding the police of such grades as may be determined by the said Board, and for rewarding informers, and for compensating persons subjected to annoyance or injury by any proceedings under this Act.

Disposal of the proceeds of seizure and fines.

41. No suit, action, or other proceedings shall be commenced against any person for any anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended suit, action, or other proceeding, and of the cause thereof; nor after the expiration of three months from the accrual of the cause of suit, action, or other proceeding.

Limitation of suits.

42. [*Repealed by Act No. XII of* 1873.]

ACT No. III OF 1865.

(*Received the assent of the Lieutenant-Governor on the* 28*th January* 1865, *and of the Governor-General on the* 1*st February* 1865.)

An Act to make better provision for the prevention of injury from fire in Ports, and to provide for the safe keeping of Inflammable Oils in Ports and places, within the Provinces under the control of the Lieutenant-Governor of Bengal.

WHEREAS it is expedient that better provision should be made for the prevention of injury from fire in ports in the provinces under the control of the Lieutenant-Governor of Bengal; and it is also expedient to make provision for the safe storing and keeping of inflammable oils within the said provinces; It is enacted as follows:—

Preamble.

1. The following words for the purposes of this Act have the meanings hereby assigned to them, unless where a contrary intention appears from the context, that is to say:—

Interpretation.

The words "the Conservator" denote the Master Attendant or other officer executing the office of Conservator under the *Indian Ports Act, 1875, in any port to which this Act applies.

"The Conservator."

* Act No. XII of 1875, section 3, para. 3.

The word "Master" denotes any person, except a pilot or harbour master, having temporary or permanent command or charge of any vessel.

"Master."

The word "Owner" includes any consignee of goods and agent to whom a vessel is consigned.

"Owner."

The words "Inflammable Oil" include petroleum, benzole, kerosine, and any oil or product of oil that gives off an inflammable vapour at a temperature of less than one hundred degrees of Fahrenheit's thermometer.

"Inflammable Oil."

The word "Port" denotes any port, navigable river, or channel within the Provinces aforesaid subject to the provisions of the *Indian Ports Act, 1875.

"Port."

The word "Magistrate" includes any officer exercising any of the powers of a Magistrate under the Code of Criminal Procedure, and any Magistrate of Police for the Town of Calcutta.

"Magistrate."

Words importing the singular number include the plural, and words importing the plural number include the singular.

Number.

2. The Lieutenant-Governor of Bengal may, by notification in the *Calcutta Gazette*, extend the provisions of this Act to any port or place within the provinces under his control, and the provisions of this Act, so far as relates to ports, when so extended, shall be deemed to be incorporated with the *Indian Ports Act, 1875, so far as the said Act relates to the said provinces and is not altered by this Act.

Lieutenant-Governor may extend provisions of this Act to any port or place.

The provisions of the Act have been extended to the port of Calcutta.—*Calcutta Gazette*, 1866, p 1286.

3, 4. [*Repealed by Act No. XII of* 1875.]

5. From and after the passing of this Act, it shall not be lawful, within the said provinces, to place or keep more than forty gallons of inflammable oil within fifty yards of any dwelling-house or of any building in which goods are stored, unless such oil shall be placed in a building approved and licensed for the purpose by an officer authorized in that behalf by the Lieutenant-Governor of Bengal.

After the passing of this Act, not more than 40 gallons of inflammable oil to be kept without a license.

6. Any inflammable oil placed or kept in a manner contrary to the provisions of this Act, may, together with the receptacle containing such oil, be seized by any Police Officer under a search warrant as hereinafter mentioned.

Inflammable oil kept contrary to the provisions of this Act, may be seized under a search warrant.

* Act No. XII of 1875, section 3, para. 3.

7. The Officer authorized in the manner aforesaid to grant licenses, may grant to any person a license for the transit and carrying of inflammable oil from one place to another in greater quantities than twenty gallons. Whenever more than twenty gallons shall be carried by any person without a license, such oil may, together with the receptacle containing such oil, be seized by any Police Officer without a search warrant.

Inflammable oil carried without a license in quantities exceeding 20 gallons, may be seized without a search warrant.

8. It shall be lawful for the Lieutenant-Governor of Bengal from time to time to make rules for regulating the following matters :—

Lieutenant-Governor may make rules.

Clauses 1, 2. [*Repealed by Act No. XII of* 1875.]

Clause 3. The survey and approval by the licensing officer of buildings required to be licensed under this Act, and the terms and conditions under which licenses for buildings and licenses for removal of oil are to be granted.

9. Such rules as aforesaid shall be published in the *Calcutta Gazette,* and copies thereof shall be fixed up in some conspicuous place in the office of every Conservator and in every Custom House. It shall be lawful for the said Lieutenant-Governor from time to time to repeal, add to, or alter any such rules.

Publication of rules. Repeal or alteration thereof.

10. [*Repealed by Act No. XII of* 1875.]

11. *Clause* 1. Whoever, after the passing of this Act, shall place or keep inflammable oil in an unlicensed building contrary to the provisions of this Act, shall be liable to a fine not exceeding two hundred rupees a day for each day during which such oil is so placed or kept.

Penalty for keeping inflammable oil in unlicensed building.

Clause 2. Whoever, after the passing of this Act, shall, without a license in that behalf, carry a greater quantity than twenty gallons of inflammable oil from one place to another shall, for such offence, be liable to a fine not exceeding fifty rupees.

Penalty for carrying, without a license, more than twenty gallons of inflammable oil.

Clause 3. Whoever shall be guilty of a breach of the terms or conditions of any license granted under this Act shall, for such offence, be liable to a fine not exceeding two hundred rupees, and to forfeiture of his license; and all inflammable oil in the possession of such person may be seized by a Police Officer under a search warrant as hereinafter mentioned.

Penalty for breach of conditions of license.

Search warrant.

12. A Magistrate may, on information laid before him on oath or solemn affirmation and reduced into writing, issue his warrant, authorizing a Police Officer to search, in the day time, any building or place, vessel, boat, or vehicle, in which he has reasonable ground to suspect that any inflammable oil is placed, kept, or carried, or any person suspected of carrying the same contrary to the provisions of this Act; and all inflammable oil found on such search shall, together with the vessels or receptacles in which it may be stored or carried, be immediately seized and kept, pending the judgment of such Magistrate.

Such warrant shall be executed and have effect within the Town of Calcutta under *Act XIII of 1856 (*for regulating the Police of the Towns of Calcutta, Madras and Bombay*), and elsewhere under the Code of Criminal Procedure.

Upon seizure of inflammable oil, Magistrate having jurisdiction may summon owner, &c., and adjudicate thereon.

13. When any inflammable oil shall be seized under this Act, the Magistrate within whose jurisdiction the same may be seized, may, upon the information of any Police Officer, summon the owner of such inflammable oil, or the person in whose possession, or the Master of the ship on board of which it may be found, to appear before him, and upon such appearance, or in default thereof, may examine into the cause of the seizure thereof, and may adjudge the same to be confiscated.

Procedure in such cases.

14. The rules contained in the Code of Criminal Procedure for the trial of cases before a Magistrate and for appeals against orders passed by a Magistrate, shall be applicable to adjudications under the last preceding section, except where the seizure is made within the Town of Calcutta.

Disposal of inflammable oil confiscated under this Act.

15. When the confiscation of any inflammable oil shall be adjudged under this Act, such oil shall thereupon belong to, and vest in, Her Majesty, and a warrant shall be issued by the adjudicating Magistrate to a Police Officer, directing him to hold such oil at the disposal of the Government of Bengal.

Jurisdiction over offences committed beyond the local limits of a Magistrate's jurisdiction.

16. In any port to which the provisions of this Act shall have been extended, if any person shall infringe any of such provisions, or any rule made in pursuance of this Act, such infringement shall be punishable by a Magistrate having jurisdiction over any district or place adjoining such port, and such Magistrate may proceed as if such infringement had been committed locally within the limits of his jurisdiction.

---

* Repealed, as to Calcutta, by Bengal Act IV of 1866.

17. All fines imposed under this Act may be recovered, if for offences committed beyond the town of Calcutta, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within the Town of Calcutta, in the manner prescribed by *Act XIII of 1856 *(for regulating the Police of the Towns of Calcutta, Madras and Bombay)*, and *Act XLVIII of 1860 (*to amend Act XIII of* 1856), or any other Act for regulating the Police of the Town of Calcutta in force for the time being.

Recovery of fines.

18. The provisions of this Act shall not extend to any building used by, or to any inflammable oils belonging to, Government.

Exemption.

ACT No. IV OF 1865.

(*Received the assent of the Lieutenant-Governor on the 27th March* 1865, *and of the Governor-General on the 5th April* 1865.)

An Act for the prohibition of the practice of Inoculation in the Town and Suburbs of Calcutta, and in Towns to which Act III of 1864, *passed by the Lieutenant-Governor of Bengal in Council, has been or shall hereafter be extended.*

WHEREAS it is found that small-pox is spread by inoculators who infect persons living in towns without adopting any precaution against contagion; and whereas proper and sufficient arrangements have been made in the Town of Calcutta and in its Suburbs, and in certain other towns in the Province of Bengal, for the vaccination or inoculation with the cow-pox of the inhabitants thereof respectively; and it is desirable to prohibit by law the practice of inoculation with the small-pox in such towns and places; It is enacted as follows :—

Preamble.

1. Any person who shall hereafter produce, or attempt to produce, in any person, by inoculation with variolous matter, or by wilful exposure to variolous matter, or to any matter, article, or thing impregnated with variolous matter, or who shall wilfully, by any other means whatsoever, produce the disease of small-pox in any person, shall be liable, on conviction before a Magistrate, to imprisonment of either description for a period not exceeding three months, or to a fine not exceeding two hundred rupees, or to both.

Penalty for inoculating or otherwise producing small-pox.

* Repealed, as to Calcutta, by Bengal Act IV of 1866.

2. If any person, having been inoculated with the small-pox in a place to which the provisions of this Act shall not at the time be applicable, shall afterwards enter the Town of Calcutta, or any other town or place to which such provisions shall then be applicable, before the lapse of forty days from the date of such inoculation, or without a certificate from a qualified medical officer stating that such person is no longer likely to cause contagion, such person shall be liable, on conviction before a Magistrate, to imprisonment of either description for a period not exceeding three months, or to a fine not exceeding two hundred rupees, or to both.

Penalty for entering into any place subject to this Act, without a proper certificate, before forty days from date of inoculation.

3. This Act shall take effect in the Town of Calcutta and in the Station of Howrah and Suburbs of Calcutta, as the same are defined in the Schedule appended to Act XXI of 1857 *(to make better provision for the order and good government of the Suburbs of Calcutta and of the Station of Howrah)*, from the date of the passing of this Act; and it shall be lawful for the Lieutenant-Governor of Bengal, at any time after such date, by notification published in the *Calcutta Gazette*, to extend this Act to any Town or place to which *Act III of 1864, passed by the Lieutenant-Governor of Bengal in Council (*the District Municipal Improvement Act)*, shall then apply, or in which there shall then be any military cantonment, or in which it shall appear to the Lieutenant-Governor of Bengal that at the time of such notification there exist proper and sufficient arrangements for the inoculation of the inhabitants thereof with the cow-pox.

Act where to take effect.

The Act has been extended to Deogurh, *Calcutta Gazette*, 1866, p. 311, and to other places near Deogurh, *ibid.*, p. 390; to Berhampore, Moorshedabad, Hooghly, Serampore and Ooterparah, Burdwan, Darjeeling, Jamalpore, and neighbouring villages, Dacca, Kishnagurh, Barrackpore and neighbouring villages, Dum-Dum and neighbouring villages, Patna, Dinapore, Gya, Sahibgunge, Chapra, Arrah, Mozufferpore and Durbungah, and to certain specified villages in the 24-Pergunnahs, *ibid.*, p. 1126; to Midnapore, *ibid.*, 1869, p. 1158; to Bhagulpore, *ibid.*, p. 786; to Chota Nagpore, *ibid.*, p. 788; to Jungypore and Kandhi in Moorshedabad, *ibid.*, p. 1290; to Commillah, *ibid.*, 1871, p. 1110; to 24-Pergunnahs, Naddea, Burdwan, Hooghly and Howrah, *ibid.*, p. 1826; to Jessore, *ibid.*, 1873, p. 433; to Gowhatty, *ibid.*, p. 836; to Monghyr and Jamalpore, *ibid.*, 1874, p. 171; to thanas Sonamokhy and Kotulpore, *ibid.*, p. 1126; to certain sub-divisions in Jessore, *ibid.*, p. 1657; to the Sonthal Pergunnahs, *ibid.*, 1875, p. 174; to Bankoora, *ibid.*, p. 1045; to Khoolneah and Bagirhaut, *ibid.*, p. 1129; to Bogra, Rajshahye and Darjeeling, *ibid.*, p. 1326; to Brahmunbaria, *ibid.*, p. 1333; to Dacca, *ibid.*, p. 1581; to Rajshahye, Dinagepore, and Rungpore, *ibid.*, 1876, p. 1107; to Midnapore, *ibid.*, p. 1124; to certain thanas in Patna, *ibid.*, p. 1148; to Pangsa, Palong, and Deora in Furreedpore, *ibid.*, p. 1333; to Motiharee, *ibid.*, p. 1398; to Soorce, *ibid.*, p. 1524; to certain Towns in Shahabad, Gya, and Chumparun, *ibid.*, 1877, p. 257; to the Municipality of Behar, *ibid.*, p. 556; to English Bazar, *ibid.*, p. 662; to certain thanas in the Furreedpore district and to Dinagepore, *ibid.*, p. 1456; to Beerbhoom and Moorshedabad, *ibid.*, 1878, p. 11.

The Act is also in force in the Sonthal Pergunnahs. Under Regulation I of 1872 *(for the peace and good government of the territory known as the Sonthal Pergunnahs.)*

4. The provisions of the Code of Criminal Procedure relative to the meaning thereby assigned to the word "Magistrate," and to cases triable under †Chapter XVI and the

Mode of procedure.

* Bengal Act V of 1876, section 2, para. 4, and section 3, para. 1.
† Act No. X of 1872, section 2, para. 5, Schedule V.

provisions applicable to summons cases of the said Code, and to the recovery of fines, shall apply to the case of any offence committed against this Act beyond the Town of Calcutta; and the provisions of *Act XIII of 1856 (*for regulating the Police of the Towns of Calcutta, Madras, and Bombay*), and of *Act XLVIII of 1860 (*to amend Act* XIII *of* 1856), or any other Act for regulating the Police of the Town of Calcutta for the time being in force, shall apply to the case of any such offence committed within the said Town.

Award of portion of fine to informer.

Whenever the convicting Magistrate shall sentence the offender to fine, it shall be lawful for such Magistrate to award any portion, not exceeding one-half of such fine, to the person on whose information such offender has been convicted.

ACT No. V OF 1865.

(Received the assent of the Lieutenant-Governor on the 5th April 1865, *and of the Governor-General on the* 10*th idem.)*

An Act to amend Act II of 1864 *passed by the Lieutenant-Governor of Bengal in Council (an Act for the regulation of Jails and the enforcement of discipline therein), and to extend the provisions thereof to the Presidency Jail.*

Preamble.

WHEREAS it is expedient to amend certain provisions of Act II of 1864 passed by the Lieutenant-Governor of Bengal in Council; and whereas by Act XII of 1865 of the Governor-General of India in Council the custody of persons confined in the Great Jail of Calcutta is vested in an Officer to be appointed by the Government of Bengal; It is enacted as follows:—

1. [*Repealed by Act No. XII of* 1873.]

Following sections to be read with Act II of 1864.

2. The following sections shall be read with, and taken as part of, the said Act II of 1864.

Civil and criminal jails to be under whose control.

3. The civil and criminal jail in every District shall, unless the Government shall invest some other officer with the control thereof, be under the control of the Magistrate of the District, or of any Magistrate to whom the Magistrate of the District may make over the control thereof; and the jails in any division of a District shall be under the control of the Magistrate who shall be in charge of such Division, acting under the instructions of the Magistrate of the District.

---

* Repealed, as to Calcutta, by Bengal Act IV of 1866.

The Act is in force in the Sonthal Pergunnahs. *See* Regulation I of 1872 (*for the peace and good government of the territory known as the Sonthal Pergunnahs.*)

4. It shall be lawful for the officer in whom the control of a jail shall be vested, to inquire into all breaches of the rules that may be made under this Act, and to punish prisoners guilty of any breach thereof, or of violent or refractory conduct, or of using insolent language, or of refusing or wilfully neglecting to perform the work, or of wilfully mismanaging the work allotted to them, or of wilfully disabling themselves for labor.

Punishment for breaches of rules and of jail discipline.

Such punishment may consist of separate confinement, of corporal punishment not exceeding thirty stripes of a rattan, or of confinement in irons for a period not exceeding one month in the case of a first offence, and for a period not exceeding six months in the case of a second offence of the same description.

Mode of punishment.

Provided that corporal punishment or confinement in irons shall not be inflicted on any female prisoner or on any person imprisoned in a civil jail, and that confinement in irons may be inflicted on hardened offenders for any period not exceeding one year.

Exemption from corporal punishment and confinement in irons.

5. In any case in which the officer in whom the control of the jail shall be vested, shall consider it necessary for the safe custody of any prisoner who shall have been sentenced to rigorous imprisonment, that such prisoner should be confined in irons, it shall be lawful for such officer so to confine the said prisoner.

Prisoners sentenced to rigorous imprisonment may be confined in irons for the purpose of safe custody.

Provided that, in every case in which any prisoner shall be confined in irons solely under the provisions of this section, it shall be the duty of the officer in whom the control of the jails shall be vested, to report the circumstances under which such prisoner shall have been so confined, without delay to the officer who shall have been appointed by the Lieutenant-Governor of Bengal under section 8 of the said Act II of 1864.

Officer to report circumstances under which prisoner is so confined.

6. If any prisoner, whether he shall have been sentenced to rigorous or only to simple imprisonment, shall be convicted, under section 224 of the Indian Penal Code, of having attempted to escape from such imprisonment, it shall be lawful for the officer in whom the control of the jail shall be vested, in carrying into execution the remainder of such sentence or imprisonment, or any portion of the punishment to which such prisoner may be sentenced for such attempt, to confine the said prisoner in irons for a period not exceeding one year in

Prisoners escaping or attempting to escape may be confined in irons for a year for the first offence, and for the whole remaining term of imprisonment for the second and subsequent offences.

the case of a first offence, and for the whole term of imprisonment to which the said prisoner shall have been sentenced, in the case of a second or any subsequent offence.

Lieutenant-Governor may make rules, &c., for the Presidency Jail.

7. From and after the passing of this Act, the power of making rules and of appointing visitors, medical officers, jailors, and inspectors, which by sections 7, 8, 9, 11, 12, 15, and 16 of the said Act II of 1864, are vested in the Government of Bengal, may be exercised by such Government with respect to the Presidency Jail, and all persons confined and to be confined therein; and the said Government shall have the power of transferring prisoners from any jail within the provinces under its control to any other jail within the same limits, provided that such transfer shall, on the report of the person or persons appointed under section 8 of Act II of 1864, appear necessary.

Powers of the Superintendent of the Presidency Jail.

8. From and after the passing of this Act, all and singular the powers and authorities, which by the said Act II of 1864 and by this Act, are conferred on the officer in whom the control of a jail shall be vested, shall and may, as respects persons confined or to be confined in the said Presidency Jail, be exercised by the Superintendent of the Presidency Jail. The provisions of section 17 of the said Act II of 1864 are hereby extended to the said Presidency Jail.

ACT No VII OF 1865.

(*Received the assent of the Lieutenant-Governor on the* 11*th April* 1865, *and of the Governor-General on the* 15*th April* 1865.)

An Act to make provision for the better regulation and supervision of Public Slaughter-Houses in the Suburbs of Calcutta, and for the adoption of proper Conservancy arrangements connected therewith.

Preamble.

WHEREAS it is necessary to make provision for the better regulation and supervision of public slaughter-houses and markets for the sale of meat and fish in the Suburbs of Calcutta and for the adoption of proper conservancy arrangements connected therewith; It is enacted as follows:—

No place within the Suburbs to be used as a slaughter-house without a license.

1. No place within the jurisdiction of the Municipal Commissioners of the Suburbs of the Town of Calcutta, appointed under the provisions of the *Bengal Municipal Act, 1876, shall be used as a slaughter-house, unless a license in writing for the use thereof as a slaughter-house has been obtained

---

* Bengal Act V of 1876, section 3, para. 4.

from the Municipal Commissioners, who are hereby empowered, at their discretion, from time to time, to grant such license.

Penalty.

And whoever, without such license, uses as a slaughter-house any place, within the limits aforesaid, shall be liable to a penalty not exceeding two hundred rupees, and to a penalty not exceeding fifty rupees, for every day, after the conviction for such offence, during which the said offence is continued.

Exception.

Provided that nothing in this Act shall apply to any Hindoo or Mahomedan place of worship.

Municipal Commissioners may provide places for slaughter-houses, and may make bye-laws for the management and regulation thereof.

2. The Municipal Commissioners may, from time to time, if they shall think fit, with the sanction of the Government of Bengal, provide places for the purpose of being used as slaughter-houses, and they may make bye-laws for, and with respect to, the management, regulation, and charges for the use of such places.

Licensed slaughter-houses to be properly drained.

3. Every owner or occupier of any licensed slaughter-house, within the limits aforesaid, shall cause such drains to be made therein as shall be considered sufficient by the Municipal Commissioners, and (if required so to do by the Municipal Commissioners) shall cause all the floors and drains to be paved with stone or burnt brick, and shall also cause a supply of water to be provided, sufficient for keeping such slaughter-house, or any place used as a meat market, in a clean and wholesome state;

Penalty in case of default.

and if such owner or occupier, after notice in writing given to him by the Municipal Commissioners that such market or slaughter-house is defective in any of the said particulars and requiring him to remedy the defect specified within not less than thirty days, makes default therein, he shall be liable to a penalty not exceeding fifty rupees, for every day during which such default is continued.

Commissioners may make bye-laws for the inspection of markets and slaughter-houses.

4. The Municipal Commissioners may, in the manner prescribed and under the conditions laid down in section 84 of the said Act III of 1864, make bye-laws—

for the inspection of all markets;

for the sale of meat or fish within the limits aforesaid, and for the management and conduct of the business therein;

and for keeping the same in a cleanly and proper state, and for removing filth at least once in every twenty-four hours.

Sections 313, 314, and 315 of Bengal Act V of 1876 now regulate the making of bye-laws by Municipal Commissioners in Bengal. The reference to section 84 of Act III of 1864 may be taken to be made to those sections. *See* section 3 of Bengal Act V of 1876, para. 4.

5. The Municipal Commissioners, or any person appointed by them for that purpose, may, at all reasonable times, with or without assistants, enter into and inspect any market, building, shop, stall, or place used for the sale of butcher's meat, poultry, or fish, or as a slaughter-house, and may examine any animal, carcase, or meat which may be therein; and in case any animal, carcase, meat or fish, appear to be intended for the food of man and to be unfit for such food, may seize the same;

Commissioners may enter and inspect slaughter-houses, shops, &c., and may seize unwholesome articles exposed for sale.

and if it appear to a Magistrate, upon the evidence of a competent person, that such animal, carcase, meat or fish, is unfit for the food of man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food; and the owner thereof, or the person in whose possession the same is found, shall be liable to a penalty not exceeding one hundred rupees.

Destruction of such articles and penalty.

6. The Magistrate before whom any person is convicted of an offence contrary to the provisions of this Act, relating to slaughter-houses, or of the non-observance of any of the bye-laws relating thereto, may, in addition to the penalty imposed on such person under the authority of this Act, suspend such license for any period not exceeding two months, and upon conviction for a second or other subsequent like offence, such license may, in addition to the penalty imposed under the authority of this Act, be revoked.

Suspension or revocation of license.

7. Whoever, during the period for which any such license is suspended, or after the same is revoked as aforesaid, slaughters cattle, or allows cattle to be slaughtered in the slaughter-house to which such license relates, shall be liable to a penalty not exceeding one hundred rupees, for every day, after the conviction for such offence, during which the said offence is continued.

Penalty for using slaughter houses during suspension or revocation of license.

See as to words "allows cattle to be slaughtered"—IN THE MATTER OF THE PETITION OF THE MUNICIPAL COMMISSIONERS FOR THE SUBURBS OF CALCUTTA, 6 B. L. R. App., 28.

8. The provisions of the said *Act III of 1864, in regard to prosecutions for offences and the enforcement of fines and forfeitures, shall be applicable to all prosecutions for offences and the recovery of fines and forfeitures under this Act; and the magisterial powers conferred upon the Municipal Commissioners, by section 6 of the above Act, shall be exercised by them for all the purposes of this Act.

Certain provisions of Act III of 1864 rendered applicable.

* See Bengal Act V of 1876, section 2, para. 4, and section 3, para. 1.

9. It shall be lawful for the Lieutenant-Governor of Bengal to extend, by notification in the *Calcutta Gazette*, the provisions of this Act, or of any specific portion thereof, to any towns or places in which the said Act III of 1864 may be in force.

Provisions of this Act may be extended to places under Act III of 1864.

The provisions of the Act have been extended to Hooghly and Chinsurah, *Calcutta Gazette* 1865, p., 874; sections 1, 2, 5, 6, 7, and 8 have been extended to Bhaugulpore, *ibid.*, 1871, p. 1218; to Monghyr, *ibid.*, p. 1458.

The Act has been repealed, as regards the Suburbs of Calcutta, by Bengal Act IV. of 1876.

ACT No. VIII OF 1865.

(Received the assent of the Lieutenant-Governor on the 10th May 1865, and of the Governor-General on the 27th idem.)

An Act to amend the Law for the sale of such Under-tenures as by the Title Deeds or established usage of the Country are transferable by sale or otherwise for the recovery of arrears of rent due in respect thereof.

WHEREAS doubts have arisen, in consequence of the repeal of section 16 of Regulation VII of 1832, as to the authority by whom putnee talooks and other saleable under-tenures of the nature defined in clause 1 of section 8 of Regulation VIII of 1819, are to be sold for arrears of rent due to the proprietor on account thereof; and whereas it is expedient to amend the law for the sale of under-tenures in satisfaction of decrees for the recovery of such arrears; It is enacted as follows:—

Preamble.

1. The word "Collector" as used in this Act includes all officers exercising the full powers of a Collector of a district.

Meaning of the word "Collector."

Words used in the singular number include the plural.

2. [*Repealed by Act No. XII of* 1873.]

3. The sale for the recovery of arrears of rent of putnee talooks and other saleable under-tenures of the nature defined in clause 1 of section 8 of Regulation VIII of 1819, shall be conducted by the Collector of Land Revenue in whose jurisdiction, as defined by Act VI of 1853, the lands lie, and all acts preparatory to, or connected with, the sale of such under-tenures as aforesaid, which, by Regulations VIII of 1819 and I of 1820, the Judge is required to perform, shall be performed by the said Collector.

Sale by whom to be conducted.

Notice of sale where to be hung up.

4. Whenever a decree for an arrear of rent, due in respect of an under-tenure saleable under the provisions of section 105 of Act X of 1859, shall have been obtained, and an application for the sale of the said under-tenure under the same section shall have been made and allowed, the Collector, in whose Court the decree is in course of execution, shall thereupon cause to be hung up in his own Court and in that of the Collector and the Judge of the District within which the land comprised in the under-tenure to be sold is situated, and to be affixed on some conspicuous place on the land and in the town or village in or nearest to which the said land is situated, a notice for the sale of the said under-tenure on some fixed date not less than twenty days from the hanging up of the said notice in the Court in which the decree is in course of execution.

Where the owner of an undivided estate lets his share to a tenant by giving a pottah and taking a kabuliat, a suit for the rent of such undivided share, treated as a separate and distinct under-tenure, may come under this section—DWARKANATH CHUCKERBUTTY v. DHUN MONEE CHOWDHRAIN AND OTHERS, 15 W. R., 524.

Notice of sale what to contain.

5. The said notice shall specify, in the words used in the plaint in the suit in which the decree was made, the name of the village, estate, and pergunnah, or other local division, in which the land comprised in the said under-tenure is situated, the yearly rent payable under the said under-tenure, and the gross amount recoverable under the said decree.

How the sale may be stopped.

6. If the sum due under the decree, together with interest to date of payment and all costs of process, be paid into Court at any time before the sale commences, whether by the defaulting holder of the under-tenure or any one on his behalf, or any one interested in the protection of the under-tenure, such sale shall not take place; and the provisions of section 13 of Regulation VIII of 1819, for the recovery of sums paid by other than the defaulting holder of the under-tenure to stay the sale of the under-tenure, shall be applicable to all similar payments made under this section.

See, as to effect of deposit under this section, UMBIKA DEBIA AND ANOTHER v. PRANHURRY DASS, 13 W. R., F. B., 1.

Sale to be to the highest bidder.

7. The under-tenure shall be sold to the highest bidder in open Court.

At a sale under this Act the whole tenure passes, unless there is some reservation made at the time of sale—HURO GOBIND BISWAS v. DUMOUNTEE DEBEE, 13 W. R., 304. The absence of a shareholder's name from the proceedings does not invalidate the sale against him—DOORBIJOY MAHTOON v. PRITHEE NARAIN SINGH, 14 W. R., 30.

Purchaser to deposit 25 per cent.

8. The party who shall be declared to be the purchaser shall be required to deposit immediately, in cash or Government currency notes, twenty-five per cent. of the amount of his bid, and, in default of such deposit, the under-tenure shall be put up again and sold forthwith, or on the next ensuing office day.

9. The full amount of the purchase-money shall be made good by the purchaser before sunset of the eighth day from that on which the sale of the under-tenure took place, reckoning that day as one of the eight; or, if the eighth day be a Sunday or other close holiday, then on the first office day after the eighth day: and, in default of payment within the prescribed period as aforesaid, the deposit shall be forfeited to the Government, and the under-tenure shall be re-sold, and the defaulting purchaser shall forfeit all claims thereto or to any part of the sum for which the said under-tenure may be subsequently sold.

Deposit to be forfeited if balance of purchase-money be not paid up in time.

If the proceeds of the sale which may be eventually completed be less than the price bid by the defaulting purchaser, the difference shall be leviable from him under the law for enforcing the payment of money in satisfaction of a decree for arrears of rent.

10. The provisions of all the sections of this Act with regard to sales shall also be applicable to all re-sales, under this Act, which may be rendered necessary by the default of any purchaser.

Provisions as to sales to apply to all re-sales.

11. When the purchase-money shall have been paid in full, the officer holding the sale shall give the purchaser a certificate in the form prescribed in the Schedule annexed to this Act; and shall further, on the purchaser making application and depositing the requisite costs, depute an officer or amin to put him in possession of the under-tenure in the customary manner, and to publish the fact of the purchase to the cultivators of the lands comprised therein.

Certificate and possession to be given to purchaser on payment by him in full.

12. From the proceeds of the sale of the under-tenure, the officer holding such sale shall re-pay to the judgment-creditor the necessary expenses incurred by him in procuring it; and, after satisfying the decree in execution of which the sale was made, shall hold the residue, if any, in deposit on account of the defaulting holder of the under-tenure.

Proceeds of sale how to be dealt with.

13. An appeal shall lie to the Collector from any proceedings of a Deputy or Assistant Collector, if made within fifteen days, and to the Commissioner from any original proceedings of a Collector, under this Act, if made within thirty days, from the date of the sale; but no proceedings under this Act shall be reversed or modified in appeal, except upon the ground of irrelevancy of the law, or of such an irregularity in procedure as, in the opinion of the appellate authority, has caused injury to the interests of one of the parties to the suit in which the decree was passed.

Appeal.

An appeal to the Collector under this section is not necessary as a condition precedent to a suit in the Civil Court to set aside the sale—NOGENDRO CHUNDER GHOSE AND ANOTHER v. MUSHUFF

BIBEE, 15 W. R., 17. A sale under the Act is a proceeding for which, if held by the Deputy-Collector, an appeal lies to the Collector—DWARKANATH SEIN v. CHUNDER MOHUN MITTER, 12 W. R., 326.

Power of revision.

14. No appeal as of right shall lie from any order passed in appeal under this Act; but a Commissioner, in any case in which an appeal has been heard by a Collector, and the Board of Revenue, in any case in which an appeal has been heard by the Commissioner, may call for the record at any time within three months from the date of the order passed in appeal, and pass thereon such orders as they may think proper.

Purchaser to recover purchase-money in such manner as appellate or revising authority may direct, if sale be set aside.

15. If any sale of an under-tenure shall, under either of the two preceding sections, be set aside, the purchaser shall be entitled to receive back the purchase-money with or without interest, and in such manner as the appellate or revising authority may in each instance direct.

Any order for the recovery of the purchase-money or interest, passed by such appellate or revising authority as aforesaid, may be enforced by the process in force under decrees for the recovery of arrears of rent.

Purchaser to acquire the under-tenure, with certain exceptions, free of incumbrances.

16. The purchaser of an under-tenure sold under this Act shall acquire it free from all incumbrances which may have accrued thereon by any act of any holder of the said under-tenure, his representatives, or assignees, unless the right of making such incumbrances shall have been expressly vested in the holder by the written engagemant under which the under-tenure was created, or by the subsequent written authority of the person who created it, his representatives, or assignees.

Further exceptions.

Provided that nothing herein contained shall be held to entitle the purchaser to eject khoodkast ryots or resident and hereditary cultivators, nor to cancel *bonâ fide* engagements made with such class of ryots or cultivators aforesaid by the late incumbent of the under-tenure or his representatives, except it be proved, in a regular suit, to be brought by such purchaser for the adjustment of his rent, that a higher rent would have been demandable at the time such engagements were contracted by his predecessor.

Nothing in this section shall be held to apply to the purchase of a tenure by the previous holder thereof, through whose default the tenure was brought to sale.

This section does not apply to the purchaser of the rights and interests of the holder of a fractional share in an under-tenure—HARASUNDARI DASI v. KRISTO MANI CHOWDHRAIN, 5 B. L. R. App, 37. The auction purchaser of a mokurruree tenure cannot set aside rights of occupancy existing from a period prior to the creation of such tenure, as this section refers to incumbrances created subsequently—BHOLANATH GHOSAL AND OTHERS v. KEDERNATH BANERJEE, 19 W. R., 106 A tenant's right of occupancy is not avoided by the operation of this section—NIL MADHUB KURMOKAR v. SHIBOO PAUL, 13 W. R., 410. See, as to effect of under-tenure holder allowing his tenant to occupy land rent-free for more than twelve years—MAHOMED

ASKUR v. MAHOMED WASUCK, 22 W. R., 413. A brick-built house is not an incumbrance or a tenure within the meaning of that word in this section which a purchaser at a sale for arrears of rent can remove—SHIBDAS BANDAPADHYA v. BAMANDAS MUKHOPADHYA, 8 B. L. R., The auction-purchaser of an under-tenure sold under this section acquires it free from any lakheraj incumbrance created by the previous holder, if the latter had no authority to create such an incumbrance—ISSUR CHUNDER CHUCKERBUTTY v. BISTOO CHUNDER CHUCKERBUTTY, 12 W. R. 32. Shareholders with a tenant are primarily liable with him to the zemindar who is not bound to recognise their holding as separate ; his taking rent from them not amounting to a recognition under this section—SREENATH CHUCKERBUTTY v. SREEMUNTO LUSHKUR. 10 W. R , 467. The mere fact of a ryot residing in a mouzah other than that in which his land is situated does not preclude him from being treated as a resident ryot within the meaning of this section—NUBOKISHORE BISWAS v. JADUB CHUNDER SIRCAR, 20 W. R., 426.

An auction-purchaser cannot, under this section, avoid any incumbrance without notice of his intention to do so or other act on this part—GOBIND CHUNDER BOSE v. ALIMOODDEEN AND OTHERS, 11 W R., 160. The object of this section is to protect, not merely any one class of tenants. but the leaseholder of the particular land leased—KOONTEE DABEE v. HIRDOY NATH DURREEPA, 16 W. R., 206. The purchaser of a shareholder's rights acquires no right to retain possession against a person who buys the tenure itself—HURO NARAIN GIREE v. DOORGA CHURN GIREE, 15 W. R., 319. The purchaser of a tenure under this Act can avoid the rent-free holding of the purchaser of a portion of the tenure—SHIB DASS BANERJEE v. BAMUN DASS MOOKERJEE, 15 W. R., 360. An agreement entered into by a lessee with another person to get rid of his lease by means of a fictitious sale for arrears of rent, and to share the profits of the transaction, is a fraud against the lessee. The person with whom such an agreement is m de has not the rights of an auction-purchaser under this Act, but only of a private purchaser—SREENATH GHOSE AND OTHERS v. HARONATH DUTT CHOWDHRY, 18 W. R., 240 ; 9 B. L. R., 200.

An auction purchaser of a shikmee tenure under this section acquires it free of all incumbrances—HUREE NARAIN CHATTERJEE v. WOOMA CHURN MOOKERJEE, 19 W. R , 169.

Zemindar how to proceed if purchaser do not register.

17. The purchaser of an under-tenure sold under this Act shall apply to the zemindar or other landholder, within fifteen days from the day of sale, to have his name registered in the zemindar or other landholder's books as the purchaser ; and shall execute a kabuliat on the same terms and conditions on which the under-tenure was held by the defaulter ; and, if such application be not made within fifteen days, it shall be lawful for the zemindar or other landholder to sue the said purchaser under the provisions of clause 1 of section 23 of Act X of 1859.

18. [*Repealed by Act No. XII of* 1873.]

The Act is in force in the Sonthal Pergunnahs. *See* Regulation I of 1872 *(for the peace and good government of the territory known as the Sonthal Pergunnahs)*

SCHEDULE.

(*See section* 11.)

I certify that *A B* has purchased, under Act VIII of 1865, the under-tenure (*as specified in the notice of sale*), and that his purchase took effect on the day of *being the day after that fixed for the last day of payment.*)

(Signed) C. D.,
Collector.

ACT No. I OF 1866.

Received the assent of the Lieutenant-Governor on the 6th February 1866, *and of the Governor-General on the 26th February* 1866.)

An Act to amend certain provisions of Regulation VI of 1819 (*for rescinding Regulation XIX,* 1816, *and for enacting other provisions in lieu thereof*).

Preamble.

WHEREAS it is expedient to define more exactly the limits within which persons are prohibited from employing a ferry-boat plying for hire in the vicinity of a public ferry, and also to provide some penalty for the wilful disregard of such prohibition It is enacted as follows :—

1. [*Repealed by Act No. XII of* 1873.]

Exclusive right to public ferries vested in Government, and the employment of private ferries within two miles prohibited.

2. Every ferry which has been or may be declared to be a public ferry; under the provisions of the said Regulation VI of 1819, shall belong exclusively to Government, and no person shall, except with the sanction of the Magistrate of the District, keep a ferry-boat for the purpose of plying for hire within a distance of two miles above or below the place where such public ferry is established.

Provision for the establishment of subsidiary ferries.

3. On the requisition of the Magistrate of the District the person in charge of such public ferry shall maintain at one or more places, in addition to the place at which the said public ferry is established, and within two miles therefrom, such number of subsidiary ferries as may seem to the said Magistrate to be necessary for the public convenience, and all the provisions of the said Regulation VI of 1819, in regard to the management of public ferries, shall be deemed applicable to any subsidiary ferry maintained under the orders of the Magistrate as aforesaid.

Claims for compensation how to be dealt with.

4. All claims for compensation which may be preferred by any person or persons for any loss which may be sustained by them in consequence of any ferry having been declared public as aforesaid, shall be inquired into by such Magistrate, who shall award compensation to any such person or persons who may appear justly entitled thereto.

Principle on which compensation is to be calculated.

Such compensation shall be calculated upon an estimate of the annual net profit actually realized by such person or persons from such ferry on an average of the five years next preceding such declaration, and shall in no case exceed the amount of fifteen times such net annual profit.

5. Any person who wilfully acts in contravention of the provisions of section two of this Act, shall be liable to the punishment provided by section 447 of the Indian Penal Code.

Penalty for acting in contravention of section 2.

ACT No. II OF 1866.

CONTENTS.

PREAMBLE.

PART I.

CONSTITUTION, APPOINTMENT, AND CONTROL OF POLICE FORCE.

SECTION.

1.—The Suburbs may be excluded from the General Police District.
2.—A Police Force to be constituted for the Suburbs.
3.—The Police Force to be under the control of the Commissioner of Police for Calcutta.
4.—Appointment of members of the Force to rest with the Commissioner.
5.—Commissioner may fine for lesser breaches of discipline.
6.—Additional penalties for neglect of duty.
7.—Police Officers not to resign without notice.
8.—On enrolment Police Officers to receive a certificate.
9.—Penalty for dismissed members not delivering up clothing, &c.
Clothing, &c., may be seized.

PART II.

POLICE SUPERANNUATION FUND.

10.—Superannuation Fund.
Police Officer not entitled as of right to allowance from Fund.
11.—Application of proceeds of certain fines, &c.

PART III.

SPECIAL AND ADDITIONAL POLICE OFFICERS.

12.—Appointment of special Police Officers.
13.—Powers of special Police Officers.
14.—Penalty for special Police Officers neglecting or refusing to serve.
15.—Appointment of additional Police Officers on the application of private individuals.

PART IV.

Punishment of Reputed Thieves, &c., and Keepers of Disorderly Houses.

16.—Apprehension and punishment of reputed thieves, &c , without warrant.
17.—Disorderly houses.

PART V.

Licenses for Hotels and under Excise Act, &c.

18.—Penalty for keeping a hotel, &c., without a license.
19.—Excise license not to be granted without certificate of Commissioner of Police.
20.—Duration and conditions of license.
21.—Penalty for keeing up a signboard or notice after expiry of license.
22.—Commissioner of Police may grant licenses for places for which no licenses are required under the Bengal Excise Act.
23.—Penalty for a breach of any condition of a license.
24.—Fee for certificate.

PART VI.

Gaming-Houses.

25.—Penalty for owning or keeping, or having charge of a common gaming-house.
26.—Penalty for being found playing in a common gaming-house.
27.—Commissioner or Magistrate may authorize certain Police Officers to enter any common gaming-house for the purpose of search and seizure.
28.—Evidence of house being common gaming-house.
29.—On conviction for keeping a common gaming-house, instruments of gaming to be destroyed.
Proof of playing for stakes unnecessary.
30.—Witnesses indemnified.
31.—Portion of fine may be paid to informer.

PART VII.

Information about Stolen Property.

33.—Pawnbrokers and money-changers to report stolen property.

PART VIII.

Manufacture, Sale, Possession, and Transport of Gunpowder.

34.—Manufacture or possession of gunpowder.
35.—Licenses by Commissioner of Police for sale and deposit of gunpowder.
36.—Licenses for conveying and removing gunpowder.
37.—Commissioner of Police may issue warrant to search for gunpowder.
38.—Act not to apply to Government gunpowder.

PART IX.

Rules for Conduct of Assemblies and Processions.

39.—Commissioner may make rules for the conduct of assemblies and processions.
Penalty for non-compliance.

PART X.

Offences in Public Streets.

40.—Penalty for certain offences in public streets.
Driving, &c., elephant or camel.
Driving a vehicle without a sufficient light.
Driving vehicle otherwise than on left side of road.
Exposing for show horses, or cleaning or repairing conveyances, of training horses in places not allowed by the Commissioner.
Negligence in driving cattle.
Leaving cart, &c., without control.
Obstructing road or thoroughfare by carriage, &c.
Obstructing footways.
Beating drums, tom-toms, &c.
Lighting fires and discharging guns, fireworks, &c.
Driving a cart with insufficiently greased wheels.
Illuminations.
Affixing bills or otherwise defacing houses, &c.
Bathing, &c., in public street or aqueduct.
Obstructing persons at bathing places.
41.—Penalty for drunkenness in public.

PART XI.

Miscellaneous.

42.—Stray dogs.
43.—Police Officer may arrest without warrant on view of offence.
44.—Arrest of person whose name and address is unknown.
45.—Detention of persons taken into custody without warrant.
46.—Power to take recognizance at the station house.
47.—Condition of recognizance.
48 —Recovery and appropriation of fines.
50.—Power of Deputy Commissioner.
51.—Interpretation clause.
52.—Repeal of Act XXI of 1857.
Form of Certificate.

ACT No. II of 1866.

(*Received the assent of the Lieutenant-Governor on the* 1*st March* 1866, *and of the Governor-General on the* 14*th idem.*)

An Act to provide for the better regulation of the Police within the Suburbs of the Town of Calcutta.

Preamble.

WHEREAS it is expedient to exclude the Suburbs of the Town of Calcutta from the general Police District of Bengal and to make provision for the better regulation of the Police within the limits so excluded; It is enacted as follows:—

PART I.

CONSTITUTION, APPOINTMENT, AND CONTROL OF POLICE FORCE.

The Suburbs may be excluded from the general Police District

1. It shall be lawful for the Lieutenant-Governor of Bengal to exclude the Suburbs of the Town of Calcutta or any portion thereof, from the general Police District of the provinces subject to his control, and the limits of the tract of country so excluded shall be defined in a notification to be published in the *Calcutta Gazette*, and the operation of this Act shall be confined to such limits. Provided that it shall be lawful for the said Lieutenant-Governor, from time to time, to alter such limits by such notification as aforesaid.

Certain places in the Suburbs have been excluded under this section—*Calcutta Gazette*, 1867, p. 1619; but the Suburbs are further defined in *Calcutta Gazette*, 1869, p. 1191.

A Police Force to be constituted for the Suburbs.

2. For the Suburbs of the Town of Calcutta so defined as aforesaid there shall be a Police Force, which shall consist of such number of officers and men, and shall be otherwise constituted in such manner, as shall be from time to time ordered by the Lieutenant-Governor of Bengal.

The Police Force to be under the control of the Commissioner of Police for Calcutta.

3. The Police Force of the Suburbs of the Town of Calcutta shall be under the exclusive direction and control of the Commissioner of Police for the Town of Calcutta, who may, from time to time, subject to the approbation of the said Lieutenant-Governor, frame such orders and regulations as he shall deem expedient, relative to the general government of the Force, the places of residence, the classification, rank, distribution and particular service of the several members thereof, their inspection, and the description of arms, accoutrements, and other necessaries to be furnished to them; and all such other orders and regulations relative to the said Police

Force as the said Commissioner shall, from time to time, deem expedient for preventing neglect or abuse, and for rendering such Force efficient in the discharge of all its duties.

Appointment of members of the Force to rest with the Commissioner.

4. The appointment of the members of the Police Force shall rest with the Commissioner of Police, and he may, at any time, suspend or dismiss any member of the Force whom he shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same.

Commissioner may fine for lesser breaches of discipline.

5. For any lesser breach of discipline or other misconduct not requiring the suspension or dismissal of the offender, a member of the Police Force may be fined by the Commissioner any sum not exceeding one-half of his monthly pay.

Additional penalties for neglect of duty.

6. For neglect or violation of duty in his office, and for any breach of the orders and regulations framed as aforesaid, every member of the Police Force, besides being suspended or dismissed from his employment, at the discretion of the Commissioner, shall be liable, on conviction before a Magistrate, to a fine not exceeding one hundred rupees (which may be deducted from any salary then due to such offender), or to imprisonment, simple or rigorous, for any term not exceeding three months.

Police Officers not to resign without leave or notice.

7. No member of the Police Force to be enrolled under this Act shall be at liberty to resign his office, or to withdraw himself from the duties thereof, unless expressly allowed so to do in writing by the Commissioner, or unless he shall have given to the Commissioner six months' notice of his intention if a member of the Mounted Branch of the said Force, and two months' notice if a member of any other branch; and every member of the said Force, who shall so resign or withdraw himself without such leave or notice, shall be liable, on the order of the Commissioner, to forfeit all arrears of pay then due to him; and, on the sentence of a Magistrate, to pay a fine not exceeding fifty rupees, or to undergo imprisonment of either description for any term not exceeding two months.

On enrolment, Police Officer to receive a certificate.

8. Every member of the Police Force shall receive on his enrolment a certificate in the form hereunto annexed, under the signature of the Commissioner of Police, by virtue of which he shall be vested with the powers, functions, and privileges of a Police Officer. Such certificate shall cease to have effect whenever the person named in it is suspended or dismissed, or otherwise removed from employment in the Force.

9. Every member of the Police Force who shall be dismissed from or shall cease to hold and exercise his office, and who shall not forthwith deliver up his certificate, and all the clothing, accoutrements, and appointments, and other necessaries which may have been supplied to him for the execution of his duty, to the Commissioner, or to such person and at such time and place as shall be directed by the said Commissioner, shall be liable, on conviction before a Magistrate, to imprisonment of either description for any term not exceeding one month.

Penalty for dismissed members not delivering up clothing, &c.

And it shall be lawful for the Commissioner, or for any Magistrate, to issue his warrant to search for and seize all the clothing, accoutrements, appointments, and other necessaries which shall not be so delivered over, wherever the same may be found.

Clothing, &c., may be seized.

PART II.

Police Superannuation Fund.

10. There shall be deducted from the pay of every member of the Police Force, of a class not entitled to the benefit of the Uncovenanted Service Pension Rules, a sum after such rate as the said Lieutenant-Governor shall direct, not exceeding one anna in the rupee; which sum so deducted shall, from time to time, be invested in such manner, and in such securities, as the said Lieutenant-Governor may in writing direct, and the said sum so invested, together with the interest and dividends thereof, shall form a Fund, to be called "The Police Superannuation Fund," and shall be applied from time to time to payment of such superannuation or retiring allowances or gratuities as may be ordered by the said Lieutenant-Governor at any time to any of the aforesaid members of the Police Force:

Superannuation Fund.

Provided that any Police Officer may be dismissed or removed without a superannuation allowance, and that no Police Officer shall be entitled as of right to any allowance from the said Fund, or shall retain any right to a refund of any deduction made from his pay while he shall have been a Police Officer.

Police Officers not entitled as of right to allowance from Fund.

11. The moneys accruing from stoppages from members of the Police Force during absence from sickness or other cause, and from fines imposed on members thereof for misconduct, and from fines imposed by Magistrates upon drunken persons, or for assaults upon Police Officers, and all moneys from the sale of worn or cast-off clothing or other articles supplied for the use of the Police, shall be applied in aid of any Fund applicable to Police purposes.

Disposal of the proceeds of certain fines, &c.

PART III.

Appointment of Special and Additional Police Officers.

Appointment of special Police Officers.

12. The Commissioner of Police may, of his own authority, appoint special Police Officers to assist on any temporary emergency.

Powers of special Police Officers.

13. Every special Police Officer so appointed shall have the same powers, privileges, and protection, and shall be liable, to perform the same duties, and shall be amenable to the same penalties, and be subordinate to the same authorities, as the ordinary Officers of Police.

Penalty for special Police Officer neglecting or refusing to serve.

14. If any person, being appointed a special Police Officer as aforesaid, shall, without sufficient excuse, neglect or refuse to serve as such, or to obey such lawful order or direction as may be given to him for the performance of his duties, he shall be liable, upon conviction before a Magistrate, to a fine not exceeding fifty rupees for every such neglect, refusal, or disobedience.

Appointment of additional Police Officers on the application of private individuals.

15. The Commissioner of Police may also, if he shall think fit, on the application of any person showing the necessity of it, appoint any additional number of Police Officers to keep the peace at any place within the limits of the operation of this Act, at the charge of the person applying, but subject to the orders of the said Commissioner, and for such time as he shall think fit; and every such Police Officer shall receive a certificate, by virtue of which he shall be vested with all the powers, privileges, and duties of the Police Officers belonging to the ordinary Force:

Provided that the person upon whose application such appointment shall have been made, may, upon giving one month's notice in writing to the Commissioner of Police, require that the Police Officers so appointed at his expense shall be discontinued, and thereupon the said Commissioner shall discontinue such additional Police Officers; and all moneys received by the Commissioner for the payment of any such additional Police Officers shall be accounted for by him.

PART IV.

Punishment of Reputed Thieves, &c., and Keepers of Disorderly Houses.

Apprehension and punishment of reputed thieves, &c, without warrant.

16. A Police Officer may arrest without a warrant—

any person found, between sun-set and sun-rise, armed with any dangerous or offensive instrument whatsoever, with intent to commit any offence against the person or property of another;

any reputed thief found, between sun-set and sun-rise, on board any vessel, or boat, or lying or loitering in any bazar, street, road, yard, thoroughfare, or other place, who shall not give a satisfactory account of himself;

any person found, between sun-set and sun-rise, having his face covered or otherwise disguised, with intent to commit any such offences as aforesaid;

any person found between sun-set and sun-rise, in any dwelling-house or other building whatsoever, without being able satisfactorily to account for his presence therein; and

any person having in his possession, without lawful excuse (the proof of which excuse shall be on such person), any implement of house-breaking;

and such person shall be liable to imprisonment, with or without hard labor, for a term not exceeding three months.

Disorderly houses.

17. On proof to the satisfaction of the Commissioner of Police, or of a Magistrate, that a house is used as a common brothel or lodging-house for prostitutes, or disorderly persons of any description, such Commissioner or Magistrate may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used, and is a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it, and if he shall fail to comply with such order within five days, may impose upon him a fine to the extent of twenty-five rupees for every day thereafter that the house shall be so used.

PART V.

Licenses for Hotels and under Excise Act, etc.

Penalty for keeping a hotel, &c., without a license.

18. Whoever has or keeps any hotel, tavern, punch-house, ale-house, arrack or toddy shop, or place for the sale or consumption of ganja, chundoo, or other preparation of opium, hemp, or other intoxicating drug, plant, or substance, or has or keeps any coffee-house, boarding-house, eating-house, lodging-house, or other place of public resort and entertainment, wherein provisions, liquors, or refreshments are sold or consumed (whether the same be kept or retailed therein or procured elsewhere) without a license to be obtained in the manner hereinafter mentioned, shall be liable to a fine not exceeding fifty rupees for every day that the said house or place of entertainment is kept open, or the sale of provisions, liquors, or refreshments is continued, without the necessary license:

Provided that nothing in this Act shall apply to the sale, in reasonable quantities, of any drug, plant, or substance in any chemist's or druggist's shop for medicinal purposes only.

Excise license not to be granted without certificate of Commissioner of Police.

19. No license shall be granted under the provisions of the *Bengal Excise Act, 1878, unless the person applying for such license shall produce a certificate from the Commissioner of Police, stating that a license may be granted to him for the sale of spirituous liquors or intoxicating drugs, as the case may be, without risk or detriment to the preservation of peace and good order, and containing a full statement of such conditions as may have been imposed and shall have remained in force, under the provisions hereinafter contained at the date when such license shall be granted.

No license so granted shall be renewable without a fresh certificate as aforesaid, previously obtained from the Commissioner of Police, subject to the order and control of the said Lieutenant-Governor.

Duration and conditions of license.

20. It shall be competent to the Commissioner of Police, subject to the direction and control of the said Lieutenant-Governor, to limit, in such certificate, as aforesaid, the period for which the license may be granted, and also to fix such conditions as he may deem necessary for securing the good behaviour of the keepers of the houses and places of entertainment as aforesaid, and for the prevention of drunkenness and disorder among the persons frequenting the same, and from time to time to vary such conditions, subject to such direction and control as aforesaid; and no license granted under the said *Bengal Excise Act, 1878, shall be valid unless it shall contain such conditions as shall have been imposed and shall remain in force for the time being under this section.

A contract by which a person who has an excise license under this Act lets his shop, and the use of his license for a fixed term, receiving rent, is contrary to the policy of the law, and comes within the rule that a contract which is illegal or contrary to public policy cannot be enforced—JUDOONATH SHAHA v. NOBIN CHUNDER SHAHA, 21 W. R., 289.

Penalty for keeping up a sign board or notice after expiry of license.

21. Whenever any license granted as aforesaid shall have ceased to have effect, it shall be lawful for the Commissioner of Police to order the person to whom such license shall have been granted, to remove or cause to be removed any sign-board or other notice which such person might have been theretofore bound, under the terms of his said license, to keep affixed on or near the house or place of public resort or entertainment for which such license had been granted; and any person who shall fail to obey any such order forthwith, shall be liable, on conviction, to a fine of ten rupees for every day thereafter during which he shall so fail.

Commissioner of Police may grant licenses for places for which no licenses are required under Act.

22. The Commissioner of Police may, at his discretion, from time to time, grant licenses to the keepers of such houses or places of public resort and entertainment as aforesaid, for which no such license as is specified in the said *Bengal Excise Act, 1878, is required, upon such condi-

* Bengal Act VII of 1878, section 3, para. 4.

tions, to be inserted in every such license, as he, with the sanction of the said Lieutenant-Governor, from time to time shall order, for securing the good behaviour of the keepers of the said houses or places of public resort or entertainment, and the prevention of drunkenness and disorder among the persons frequenting or using the same; and the said licenses may be granted by the said Commissioner for any term nor exceeding one year.

Penalty for a breach of any condition of license.

23. Any person committing a breach of any of the conditions of a license granted either under section nineteen or section twenty-two of this Act shall, on conviction before a Magistrate, be punishable by a fine not exceeding one hundred rupees, and such fine shall be recovered from the person licensed, notwithstanding that such breach may have been owing to the default or carelessness of the servant or other person in charge of the shop or place of sale.

Any person so convicted shall also be liable to the forfeiture of his license, at the discretion of the Commissioner of Police, subject to the direction and control of the said Lieutenant-Governor.

Fee for certificate.

24. For every certificate or license granted by the Commissioner of Police under this Act, there shall be levied a fee of two rupees.

PART VI.

GAMING-HOUSES.

Penalty for owning or keeping, or having charge of, a common gaming-house, &c.

25. Whoever, being the owner or occupier, or having the use of any house, room, or place, shall keep or use the same as a common gaming-house;

and whoever, being the owner or occupier of any house or room, shall knowingly and wilfully permit the same to be kept or used by any other person as a common gaming-house;

and whoever shall have the care or management of, or in any manner assist, in conducting the business of any house, room or place so kept or used;

and whoever shall advance or furnish money for the purpose of gaming with persons frequenting such house, room, or place,

shall be liable to a fine not exceeding two hundred rupees, or to imprisonment of either description for any term not exceeding three months.

Penalty for being found playing in a common gaming-house.

26. Whoever shall be found in any such house, room, or place, playing or gaming with cards, dice, counters, money, or other instruments of gaming, or shall be found there present for the purpose of gaming whether playing for any

money, wager, stake, or otherwise, shall be liable to a fine not exceeding one hundred rupees, or to imprisonment of either description for any term not exceeding one month; and any person found in any common gaming-house during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

Commissioner or Magistrate may authorize certain Police Officers to enter any common gaming-house for the purpose of search and seizure.

27. If the Commissioner of Police or Magistrate, upon information on oath, and after such inquiry as he may think necessary, shall have reason to believe that any house, room, or place is used as a common gaming-house,

he may, by his warrant, give authority to any superior Officer of Police to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, room, or other place;

and to take into custody all persons whom he finds therein, whether or not then actually gaming;

and to seize all instruments of gaming, and all moneys and securities for money, and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein;

and to search all parts of the house, room, or place which he shall have so entered, when he shall have reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he so takes into custody;

and to seize and take possession of all instruments of gaming found upon such search.

Evidence of house being common gaming-house.

28. When under the provisions of the last preceding section any cards, dice, gaming-table, or cloth, board, or other instruments of gaming shall be found in any house, room, or place, or about the person of any of those who are found therein, it shall be evidence until the contrary shall be made to appear that such house, room, or place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Police Officer or any of his assistants.

On conviction for keeping a common gaming-house, instruments of gaming to be destroyed, &c.

29. On conviction of any person for keeping any such common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein shall be destroyed by order of the Magistrate, who may also order all or any of the securities for money

and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof, with all moneys seized therein, to be forfeited; or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

Proof of playing for stakes unnecessary.

It shall not be necessary, in order to convict any person of keeping a common gaming-house, or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager, or stake.

Witnesses indemnified.

30. Any person who shall have been concerned in gaming contrary to this Act, and who shall be examined as a witness before a Magistrate on the trial of any person for a breach of any of the provisions of this Act relating to gaming, and who, upon such examination, shall make true and faithful discovery, to the best of his knowledge, of all things as to which he shall be so examined, and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

Portion of fine may be paid to informer.

31. The Magistrate may direct any portion, not exceeding one-fourth of any fine which shall be levied under sections twenty-five and twenty-six of this Act, or any part of the moneys or proceeds of articles seized and ordered to be forfeited under section twenty-nine, to be paid to an informer.

32. [*Repealed by Bengal Act II of* 1867.]

Section 11 of Bengal Act II of 1867 now supplies the place of this section. See section 16 of that Act.

PART VII.

Information about Stolen Property.

Pawn-brokers and money-changers to report stolen property.

33. If any property answering the description set forth in any information which shall be given by any Police Officer to any pawn-broker, or dealer in second-hand property or money-changer, regarding property stolen or fraudulently obtained, shall then be, or thereafter come into the possession of, or be offered in pawn, or for sale, or change, to such pawn-broker, dealer, or money-changer, he shall, without unnecessary delay, give information to that effect at the nearest Police Office, and shall also state the name and address given by the party by whom the same was offered or from whom the same was received:

Provided always that, in the case of wearing apparel or other articles which it may be difficult for such pawn-broker or dealer to trace out and

identify, no fine shall be exigible in respect of not reporting such articles unless it shall appear to the Magistrate that such articles had been knowingly concealed by such pawn-broker or dealer.

PART VIII.

Manufacture, Sale, Possession, and Transport of Gunpowder.

Manufacture or possession of gunpowder.

34. Whoever shall manufacture gunpowder, or, without a license from the Commissioner of Police, shall have in his possession, in any house, shop, warehouse, or other building, at any one time, a greater quantity of gunpowder than ten pounds, shall be liable to a fine not exceeding five hundred rupees, and also to forfeit such gunpowder so manufactured or possessed, together with the vessel or receptacle in which it may be contained.

Licenses by Commissioner of Police for sale and deposit of gunpowder.

35. The Commissioner of Police may grant to any person a license for the sale or keeping in deposit of any quantity of gunpowder not exceeding fifty pounds, on such conditions, and for such term, not exceeding one year, as shall be specified in the license; and any person who shall be guilty of a breach of any of such conditions, shall, on conviction before a Magistrate, be liable to a fine not exceeding two hundred rupees, and to forfeit all gunpowder so kept in deposit contrary thereto, and the vessels containing it, and also, in the discretion of the Magistrate or of the Commissioner, to forfeit his license.

Licenses for conveying and removing gunpowder.

36. The Commissioner of Police may grant to any person a license for the transit and carrying of gunpowder from one place to another, in such manner and in such quantity as he may deem advisable; and any person, not being duly licensed in that behalf, who shall carry or convey a greater quantity of gunpowder than one pound from one place to another, shall be liable to a fine not exceeding fifty rupees.

Commissioner of Police may issue warrant to search for gunpowder.

37. The Commissioner of Police, on credible information laid before him on oath, may issue his warrant authorizing a Police Officer to search in the day-time any house, shop, magazine, or other building or place in which he shall have reasonable ground to suspect that any gunpowder is manufactured, sold, or kept, or any boat, carriage, cart, or other vehicle, in which any gunpowder may be suspected to be carried, or any person suspected of carrying the same contrary to the provisions of this Act; and all gunpowder found on such search shall, together with the vessels or receptacles in which it may be stored, be immediately seized and kept, pending the judgment of a Magistrate.

38. None of the four last preceding sections shall extend to any Government magazine, or store, or building for the making or deposit of gunpowder under the authority or for the use of the Government, or to any gunpowder belonging to Government.

Act not to apply to Government gunpowder, &c.

PART IX.

Rules for conduct of Assemblies and Processions.

39. The Commissioner of Police, from time to time, as occasion may require, may, subject to the orders of the said Lieutenant-Governor, make rules for the conduct of all assemblies and processions in the public roads, streets, thoroughfares within the limits aforesaid, prescribing the routes by which, and the times at which, such processions may pass,

Commissioner may make rules for the conduct of assemblies and processions.

and for keeping order in the public roads, streets, thoroughfares, ghats, and landing places, and all other places of public resort, and preventing obstructions thereof, on the occasion of such assemblies and processions, and in the neighbourhood of places of worship during the time of public worship;

and in any case when the roads, streets, thoroughfares, ghats, or landing places may be thronged, or may be liable to be obstructed;

and may give licenses for the use of music in the streets on the occasion of native festivals and ceremonies.

Every person opposing or not obeying the orders so issued by the Commissioner of Police, or violating the conditions of such license, shall be liable to a fine not exceeding one hundred rupees.

Penalty for non-compliance.

PART X.

Offences in Public Streets.

40. Whoever within such limits as shall be from time to time defined by the Commissioner of Police, with the sanction of the said Lieutenant-Governor, in any public street, road, thoroughfare, or place of public resort, shall commit any of the following offences, shall be liable to a fine not exceeding fifty rupees :—

Penalty for certain offences in public streets

I. Whoever shall drive, ride, or lead any elephant or camel without permission from the Commissioner of Police.

Driving, &c., elephant or camel.

II. Whoever shall drive any vehicle of any description, at any time between three quarters of an hour after sun-set, and one hour before sun-rise without a sufficient light, except when, in the opinion of the Magistrate, there may be sufficient moonlight to render such light unnecessary.

Driving a vehicle without a sufficient light.

III. Whoever, without reasonable cause, shall drive a carriage, cart, or other vehicle otherwise than on the left or near side of the road.

Driving vehicle otherwise than on left side of the road.

IV. Whoever shall expose for show, hire, or sale, any horse or other animal, or any carriage; or shall clean or dress any horse or other animal; or shall clean any carriage or other conveyance; or shall make or repair any part of any cart or carriage, except in cases of accident where repair on the spot is necessary; or shall train or break any horse except in such place and at such times as may be allowed by the Commissioner.

Exposing for show horses, or cleaning or repairing conveyances, or training horses in places not allowed by the Commissioner.

V. Whoever, by negligence or ill-usage in driving cattle, shall cause any mischief to be done by such cattle: or shall anywise misbehave himself in the driving, management, or care of such cattle, so as to cause mischief or obstruction.

Negligence in driving cattle.

VI. Whoever, being in charge of a cart, carriage, or horse, shall leave it at such a distance as not to have the same under due control.

Leaving cart, &c, without control.

VII. Whoever shall cause any cart or truck, with or without horses or cattle, to remain or stand longer than may be necessary for loading, or unloading except at places lawfully appointed for the purpose; or shall leave any cart, carriage, or truck, or fasten any horse or other animal, so as to cause any obstruction in any thoroughfare.

Obstructing road or thoroughfare by carriage, &c.

VIII. Whoever shall lead or ride any horse or other animal, or draw or drive any cart, carriage, or truck, upon any foot-way, or shall fasten any horse or animal so that it can stand across or upon any foot-way.

Obstructing foot-ways.

IX. Whoever shall beat a drum or tom-tom, or blow a horn or trumpet, or beat or sound any brass or other metal instrument or utensil, except at such times and places as shall be from time to time allowed by the Commissioner of Police.

Beating drums, tom-toms, &c.

X. Whoever shall set fire to or burn any straw or other matter, or light any bonfire, or wantonly discharge any fire-arm or air-gun, or let off or throw any fire-work, or send up any fire-balloon, except at such times and places as shall from time to time be allowed by the Commissioner of Police.

Lighting fires and discharging guns, fireworks, &c.

XI. Whoever, by driving a hackery or cart with insufficiently greased wheels, shall create a noise which is reasonably calculated to cause annoyance to persons frequenting or residing near the thoroughfare in which such hackery or cart is driven.

Driving a cart with insufficiently greased wheels.

XII. Whoever, without the consent of the Commissioner of Police, shall put up any post or other thing on the side of any public street, for the purpose of affixing thereon lamps to illuminate the street.

Illuminations.

XIII. Whoever, without the consent of the owner or occupier, shall affix any bill or notice, or any paper, against or upon any building, wall, or fence, or shall write upon, deface, or mark any such building, wall, or fence with chalk, or paint, or in any way whatsoever.

Affixing bills or otherwise defacing houses, &c.

XIV. Whoever shall bathe or wash himself in any public street, or in, upon, or by the side of any public tank, reservoir, or aqueduct, not being a place set apart for such purpose.

Bathing, &c., in public street or aqueduct.

XV. Whoever shall obstruct or incommode a person bathing at any place set apart as a bathing place, by wilful intrusion, or by using such place as a landing-place, or by anchoring or otherwise fastening or keeping boats, or by washing horses, cattle, or dogs, at or near such place, or in any other way.

Obstructing persons at bathing places.

XVI. [*Repealed by Bengal Act I of* 1869.]

XVII. Whoever, in any public road, street, thoroughfare, or place, shall beg or apply or alms, for shall expose or exhibit any sores, wounds, bodily ailment, or deformity, with the object of exciting charity, or of obtaining alms; or shall seek for or obtain alms by means of any false statement or pretences.

Beggars.

XVIII. Whoever wilfully and indecently exposes his person, or commits a nuisance by easing himself.

Exposing person, &c.

41. Whoever is found drunk and incapable of taking care of himself, in any street or thoroughfare, or in any place of public amusement or resort, shall be liable to a fine not exceeding ten rupees, or to imprisonment of either description for a term not exceeding twenty-four hours.

Penalty for drunkenness in public.

PART XI.

MISCELLANEOUS.

42. It shall be lawful for the Commissioner of Police, by order in writing to be affixed at the principal Police Stations, and also to be published in some public newspaper, to appoint, from time to time, certain periods within which any dogs found straying in the streets, or beyond the enclosures of the houses of the owners of such dogs, may be destroyed.

Stray dogs.

43. Any Police Officer may arrest without a warrant any person committing in his view any offence against this Act, if the name and address of such person be unknown to such Police Officer, and cannot be ascertained by him.

Police Officer may arrest without warrant on view of offence.

44. Whoever commits an offence on or with respect to the person or property of another, or, in committing an offence under this Act, injures or damages the person or property of another, may, if his name and address be unknown, be apprehended by the person injured, or by any person who may be using the property to which the injury may be done, or by the servant of either of such persons, or by any person authorized by or acting in aid of him, and may be detained until he give his name and address, and satisfy such person that the name and address so given are correct, or until he can be delivered into the custody of a Police Officer.

Arrest of person whose name and address are unknown.

45. Every person taken into custody without a warrant by a Police Officer under this Act, shall be taken to the nearest Police Station House in order that such person may be detained until he can be brought before the Magistrate, or until he shall enter into recognizances, with or without sureties, for his appearance before the Magistrate. Any person so detained and not entering into recognizances, with or without such sureties, shall be carried before the Magistrate within twenty-four hours from the time of his being taken into custody.

Detention of persons taken into custody without warrant.

46. Whenever any persons shall be brought to a Station House charged with any offence against this Act, it shall be lawful for the officer in charge of such Station House, or any superior Officer of Police, if he shall deem it prudent, to enlarge such person on his own recognizance, with or without sureties, conditioned as hereinafter mentioned.

Power to take recognizance at the Station House.

47. Every recognizance so taken shall be without fee or reward, and shall be conditioned for the appearance of the person thereby bound before a Magistrate at his next sitting, and all the persons executing the said recognizance shall acknowledge themselves jointly and severally bound in the sum—not exceeding one thousand rupees—thereby acknowledged, and the time and place of appearance shall be specified in the said recognizance, or in the condition thereof; and the officer taking the recognizance shall enter in a book, to be kept for the purpose, the name, residence, and occupation of the party, and his surety or sureties (if any), entering into such recognizance, together with the condition thereof, and the sum thereby acknowledged, and shall return every such recognizance to the Magistrate present at the time and place when and where the party is bound to appear.

Condition of recognizance.

48. All fines imposed under the authority of this Act shall be recoverable in the manner prescribed by section *307 of the Code of Criminal Procedure, and the amount so levied shall be appropriated to any fund applicable to Police purposes.

Recovery and appropriation of fines.

Provided that it shall be lawful for the Magistrate, when it shall appear to him that the fine cannot be realized by recourse to the provisions above mentioned, to sentence the offender to imprisonment in lieu of any fine to which such offender is liable under this Act, and the term of such imprisonment shall be fixed in accordance with the scale laid down in section 67 of the Indian Penal Code.

49. [*Repealed by Bengal Act I. of* 1874.]

50. The Deputy Commissioner of Police for the Town of Calcutta may, under the orders of the Commissioner, exercise all or any of the powers vested in the latter by the provisions of this Act.

Powers of the Deputy Commissioner.

51. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say):—

Interpretation clause.

"Property." The word "Property" shall include any chattel, money, or valuable security.

"Person." The word "Person" shall include a corporation.

"Month." The word "Month" shall mean calendar month.

"Oath." The word "Oath" shall include any affirmation or declaration lawfully substituted for an oath.

"Common Gaming-house." The words "Common Gaming-house" shall be taken to mean any house, room, or place, in which cards, dice, tables, or other instruments of gaming are kept or used for the profit or gain of the person owning or keeping such house, room, or place, whether by way of charge or the use of the instruments of gaming, or of the house room, or place, or otherwise howsoever.

"Cattle." The word "Cattle" shall, besides horned cattle, include horses, asses, mules, sheep, goats, and swine.

Number. Words importing the singular number shall include the plural number and words importing the plural number shall include the singular number.

Gender. Words importing the masculine gender shall include females.

---

* Act No. X of 1872, section 2, schedule V.

52. Act XXI of 1857 (*To make better provision for the order and good government of the Suburbs of Calcutta and of the Station of Howrah*) is hereby repealed, so far as it applies to such portion of the Suburbs of the Town of Calcutta, as shall, for the time being, be subject to the operation of this Act.

Act XXI of 1857 repealed, so far as regards the Suburbs of Calcutta.

FORM OF CERTIFICATE.

(*See section* 8.)

A. B. has been appointed a (Superintendent, Inspector, Jemadar, Darogah, or peon, *as the case may be*) in the Suburban Police Force, and is vested with the powers, functions, and privileges of a Police Officer.

ACT No. III OF 1866.

(*Received the assent of the Lieutenant-Governor on the* 13*th March* 1866, *and of the Governor-General on the* 23*rd idem.*)

An Act to provide for the Attendance and Examination of Witnesses before the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations.

WHEREAS it is expedient to make provision for the attendance of witnesses before the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations and for the examination of such witnesses; It is enacted as follows:—

Preamble.

1. It shall be lawful for the Lieutenant-Governor of Bengal, by a summons under the hand of the Secretary or Assistant-Secretary to the Government of Bengal, in the Legislative Department for the time being, to require the attendance before the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations, at a time and place to be mentioned in such summons, of any person, residing within any of the provinces or places subject to the Government of the Lieutenant-Governor of Bengal, whose evidence shall, in the judgment of such Council, be material with reference to any project of Law, Bill, or Act then under consideration by such Council; and by such summons to require the person so summoned to produce before such Council all such books, deeds, and writings as to the

Lieutenant-Governor may, by summons, require any person to appear before this Council.

said Council shall appear necessary for obtaining information as to the matter so under consideration ;

and every person so summoned shall, according to the exigency of the summons, attend before the said Council, and produce such books, deeds, and writing, as shall be in his power, custody or control.

Administration of an oath or affirmation.

2. It shall be lawful for the said Secretary or Assistant-Secretary to the Government of Bengal, in the Legislative Department, for the time being, or any other Officer appointed in that behalf by the Lieutenant-Governor, to administer an oath or affirmation, in such form as to the said Council shall seem fit, to any person appearing in obedience to such summons as aforesaid. But nothing herein contained shall prevent such person from giving evidence without oath or affirmation, if the said Council shall think it expedient that the evidence should be so given.

Powers against persons failing to appear, &c.

3. If any person, upon whom any such summons shall be served by the delivery thereof to him, or leaving thereof at his usual or last known place of abode, shall, without reasonable cause (to be allowed by the said Lieutenant-Governor of Bengal), fail to appear before the said Council at the time and place mentioned in the summons,

or shall refuse to make oath or affirmation as required, or shall not make answer to such questions as shall be put to him touching the matter under consideration as aforesaid,

or shall refuse or fail, without reasonable cause (to be allowed by the said Lieutenant-Governor of Bengal), to produce to the said Council any book, deed, or writing in his possession, power, or control as by the said Council he shall be required to produce (whether mentioned in the summons or not),

the Lieutenant-Governor of Bengal shall, on the report of the said Council that such failure or refusal has taken place, have the power, by warrant under his hand, to direct that such person be apprehended and committed to close custody in a place and for a time specified in the warrant unless he shall in the meantime comply, to the satisfaction of the said Council, with such requisitions as have been made on him touching his examination.

The warrant may be directed to any Officer appointed in that behalf by the Lieutenant-Governor.

Expenses of witnesses.

4. Whenever a summons is issued for the attendance of a witness under this Act, the Lieutenant-Governor of Bengal may, if he thinks fit, order such witness to receive

from the Collector or Commissioner of the district or division in which the witness resides, such expenses as he would have been entitled to receive if summoned as a witness before the Principal Court of Original Jurisdiction within the limits of which he shall be residing.

Provisions of sections 21 and 32 of Act II of 1855 to apply.

5. The provisions of sections 21 and 32 of *Act II of 1855 *(for the further improvement of the Law of Evidence)* shall extend to witnesses examined before the said Council of the Lieutenant-Governor of Bengal.

Interpretation

Number.

Gender.

6. Throughout this Act, unless the contrary appears from the context, words importing the singular shall include the plural, and words importing the plural shall include the singular number:

words importing the masculine gender shall include the feminine:

"Council."

The word "Council" shall include any Committee of the whole Council and any Select Committee of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations.

The Act is in force in the Sonthal Pergunnahs. *See* Regulation I of 1872 (*for the peace and good government of the territory known as the Sonthal Pergunnahs.*)

THE CALCUTTA POLICE ACT, 1866.

CONTENTS.

PREAMBLE.

PART I.

SHORT TITLE AND INTERPRETATION CLAUSE.

SECTION.

1.—Short title.

3.—Interpretation clause.

PART II.

APPOINTMENT OF COMMISSIONER AND DEPUTY-COMMISSIONER OF POLICE.

4.—Appointment and removal of Commissioner of Police.

5.—Appointment of Deputies to the Commissioner of Police.

6.—Commissioner of Police shall not ordinarily be a Magistrate.

7.—Commissioner of Police to be a Justice of the Peace, but to act only in certain cases.

---

* Repealed by Act No. I of 1872.

PART III.

Constitution and Control of Police Force.

8.—Constitution of Police Force.

9.—Police Force to be under control of the Commissioner, who is to make rules for its government.

10.—Appointment, &c., of Police Force to rest with the Commissioner.

11.—Power of Commissioner to fine members of the Police Force.

12.—Additional penalties for members of the Police Force for neglect of duty.

13.—Members of Police Force to receive certificates vesting them with the powers of a constable.

14.—Members of Police Force not to resign without leave, or six or two months' notice.

Penalty.

15.—Penalty for dismissed members of Police Force not delivering up clothing, accoutrements, &c.

PART IV.

Police Funds.

16.—Police Superannuation Fund.

No Police Officer entitled as of right to allowance from the Fund.

17.—Proceeds of fines, &c., to be credited to any Fund applicable to Police purposes.

PART V.

Appointment of Special and Additional Constables.

18.—Commissioner of Police may appoint special constables when necessary.

19.—Powers of special constables.

20.—Penalty for special constable neglecting or refusing to serve.

21.—Appointment of additional constables on the application of private individuals.

Discontinuance of additional constables.

PART VI.

Execution of Warrants, Trespass, and Arrest without Warrant.

25.—Execution of warrants.

29.—Penalty for wilful trespass.

32.—Arrest without warrant and punishment of reputed thieves, &c.

PART VII.

Taking Spirits into Barracks, Men-of-war, or Jails.

33.—Penalty for taking spirits into barracks or on board men-of-war.

34.—Penalty for taking spirits into jails.

PART VIII.

LICENSE FOR HOTELS AND UNDER EXCISE ACT, ETC.

35.—Penalty for keeping hotel, &c., without a license.
36.—Excise license not to be granted without certificate of Commissioner of Police.
37.—Duration and conditions of license.
38.—Penalty for keeping up a signboard or notice after expiry of license.
39.—Commissioner of Police may grant licenses for places for which no licenses are required under Excise Act.
40.—Penalty for breach of any condition of a license.
41.—Fee for certificate and license.

PART IX.

HARBOURING DESERTERS AND KEEPING DISORDERLY HOUSES.

42.—Penalty for harbouring and concealing deserters from merchant vessels.
43.—Disorderly houses.

PART X.

GAMING-HOUSES.

44.—Penalty for owning or keeping, or being employed in a gaming-house.
45.—Penalty for being found playing in a gaming-house
46.—Commissioner of Police may grant warrants to Police Officers to enter a gaming-house for the purpose of search and seizure.
47.—Presumption as to house being used as a common gaming-house.
48.—On conviction for keeping a common gaming-house, instruments of gaming to be destroyed.
49.—Proof of playing for stakes unnecessary.
50.—Witnesses indemnified.
51.—Portion of fine may be paid to informer.

PART XI.

STOLEN PROPERTY, TAKING PLEDGES FROM CHILDREN, AND FALSE WEIGHTS AND MEASURES.

53.—Pawnbrokers and money-changers to report stolen property under a penalty for neglect.
54.—Taking pledge from child under the age of fourteen.
55.—Standard weights and measures.
56.—Power to enter shops to seize false weights and measures.

PART XII.

MANUFACTURE, POSSESSION, SALE, AND TRANSPORT OF GUNPOWDER.

57.—Manufacture or possession of gunpowder.
58.—Licenses by Commissioner of Police for sale and deposit of gunpowder.
59.—Licenses for conveying and removing gunpowder.

60.—Commissioner of Police may issue warrant to search for gunpowder.
61.—Act not to apply to Government gunpowder.

PART XIII.

Regulation of Processions.

62.—The regulation of public processions, &c., and of carriages and persons at places of public resort.
Penalty.

PART XIV.

Registration of Passenger Boats.

63.—Passenger boats to be registered.
Duration of, and fee for, registration.
Name of owner or manjoe, number, &c., to be painted.
Penalty.
64.—Commissioner may refuse to register unsafe boats, or, if registered, may cancel the registry.
65.—Penalty for neglecting or delaying to report accident to a registered boat attended with loss of life.

PART XV.

Offences in Public Streets.

66.—Penalty for the following offences in public streets :—
Driving, &c., elephant or camel without permission.
Driving a vehicle without sufficient light.
Driving vehicle otherwise than on left side of road.
Exposing for show horses, or cleaning or repairing conveyances, or training horses, in places not allowed by the Commissioner.
Negligence in driving cattle.
Leaving cart, &c., without control.
Obstructing road or thoroughfare by carriage, &c.
Obstructing foot-way.
Beating drums, tom-toms, &c.
Driving a cart with insufficiently greased wheels.
Lighting fires, and discharging guns, fireworks, &c.
Illuminations.
Affixing bills, or otherwise defacing houses, &c.
Bathing in public street.
Obstructing persons at bathing places.
68.—Penalty for drunkenness in public.
70.—Beggars.

PART XVI.

Miscellaneous.

71.—Stray animals to be impounded and sold unless redeemed within ten days.

BENGAL SECRETARIAT LIBRARY.

72.—Police Officers may arrest without warrant on view of offence.
74.—Apprehension of offenders by private individuals.
75.—Penalty for assaulting or forcibly resisting a person who apprehends under the preceding section.
76.—Detention of persons taken into custody by a Police Officer without warrant.
77.—Power to take recognizances at the Station Houses upon certain charges.
78.—Condition of recognizance.
79.—On suspicion of goods being stolen or unlawfully obtained, Commissioner of Police or Magistrate may grant search warrant.
80.—Power to search houses for stolen property without a warrant in certain cases.
81.—Seizure of stolen property.
95.—If Magistrate certifies non-appearance, the sum acknowledged may be recovered as a fine.
99.—Limitation of actions.
Notice of action.
Plea.
Tender of amends.
Costs.
100.—Moveable property under 200 rupees of persons dying intestate may be taken charge of by Police, and delivered to party claiming to be entitled thereto.
101.—Commissioner of Police may take security for due administration and distribution of such property.
102.—Stray dogs to be killed at certain appointed periods.
SCHEDULE OF FORMS.

ACT No. IV OF 1866.

(*Received the assent of the Lieutenant-Governor on the* 13*th March* 1866, *and of the Governor-General on the* 23*rd idem.*)

An Act to amend and consolidate the provisions of Act XIII of 1856 (*for regulating the Police of the Towns of Calcutta, Madras, and Bombay*) *and of Act XLVIII of* 1860 (*to amend Act XIII of* 1856.)

Preamble.

WHEREAS it is expedient to amend and consolidate the provisions of Act XIII of 1856 and of Act XLVIII of 1860, so far as the said Acts are applicable to the Town of Calcutta;

It is enacted as follows:—

PART I.

Short Title and Interpretation Clause.

Short title.

1. This Act may be cited as "The Calcutta Police Act, 1866."

2. [*Repealed by Act No. XII of* 1873.]

Interpretation Clause.

3. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say)—

"Town of Calcutta."

The words "Town of Calcutta" shall include all places within the local limits of the jurisdiction of Her Majesty's High Court of Judicature at Fort William in Bengal.

"Magistrate."

The word "Magistrate" shall mean any Magistrate of Police acting for the said Town.

"Property."

The word "Property" shall include any chattel, money, or valuable security.

"Month."

The word "Month" shall mean calendar month.

"Oath."

The word "Oath" shall include any affirmation or declaration lawfully substituted for an oath.

"Common Gaming-house."

The words "Common Gaming-house" shall be taken to mean any house room, or place in which cards, dice, tables, or other instruments of gaming are kept or used for the profit or gain of the person owning or keeping such house, room, or place, whether by way of charge for the use of the instruments of gaming, or of the house, room, or place, or otherwise howsoever.

"Cattle."

The word "Cattle" shall, besides horned cattle, include horses, asses, mules, sheep, goats, and swine.

Number.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender.

Words importing the masculine gender shall include females.

PART II.

Appointment of Commissioner and Deputy Commissioner of Police.

Appointment and removal of Commissioner of Police.

4. The administration of the Police in the Town of Calcutta shall be vested in an officer to be styled the Commissioner of Police for such Town, who shall from time to time be appointed by the Lieutenant-Governor of Bengal,

and may be removed by the same authority, and who shall receive such salary as the Governor-General of India in Council shall allow.

Appointment of Deputies to the Commissioner of Police.

5. The said Lieutenant-Governor may, from time to time, appoint one or more Deputies to the Commissioner of Police, who shall be competent to perform any of the duties assigned to that officer under his orders. The Deputy Commissioner may be removed at any time by order of the said Lieutenant-Governor.

Commissioner of Police shall not ordinarily be a Magistrate.

6. The Commissioner of Police shall not ordinarily be a Magistrate of Police under this Act, but, with the sanction of the Governor-General of India in Council, may be appointed to that office, when the said Lieutenant-Governor, for special reasons, may deem it expedient.

Commissioner of Police to be a Justice of the Peace, but to act only in certain cases.

7. The Commissioner of Police shall be appointed a Justice of the Peace, but unless he is vested with the jurisdiction of a Magistrate of Police, he shall act as a Justice only so far as may be necessary for the preservation of the peace, the prevention of crimes, and the detection, apprehension, and detention of offenders in order to their being brought before a Magistrate of Police; and so far as may be necessary for the performance of the duties assigned to the Commissioner by this Act. The Deputies to the Commissioner of Police may be appointed Justices of the Peace, and, if so appointed, shall act in that capacity subject to the above restriction.

PART III.

Constitution and Control of Police Force.

Constitution of Police Force.

8. For the said Town of Calcutta there shall be a Police Force, which shall consist of such number of officers and men, and shall be otherwise constituted in such manner, as shall be from time to time ordered by the said Lieutenant-Governor, with the sanction of the Governor-General of India in Council.

Police Force to be under the control of the Commissioner who is to make rules for its government.

9. The Police Force shall be under the exclusive direction and control of the Commissioner of Police, who may, from time to time, subject to the approbation of the said Lieutenant-Governor, frame such orders and regulations as he shall deem expedient, relative to the general government of the Force, the places of residence, the classification, rank, distribution, and particular service of the several members thereof; their inspection; the description of arms, accoutrements, and other necessaries to be furnished to them; and all such other orders and regulations relative to the said

Police Force as the said Commissioner shall, from time to time, deem expedient for preventing neglect or abuse, and for rendering such Force efficient in the discharge of all its duties.

Appointment, &c., of the Police Force to rest with the Commissioner.

10. The appointment of the members of the Police Force shall rest with the Commissioner of Police, and he may at any time suspend or dismiss any member of the Force whom he shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same.

Power of Commissioner to fine members of the Police Force.

11. For any lesser breach of discipline, or other misconduct not requiring the suspension or dismissal of the offender, a member of the Police Force may be fined by the Commissioner in any sum not exceeding one-half of his monthly pay.

Additional penalties for members of the Police Force for neglect of duty.

12. For neglect or violation of duty in his office, and for any breach of the orders and regulations framed as aforesaid, every member of the Police, besides being suspended or dismissed from his employment at the discretion of the Commissioner, shall be liable, on conviction before a Magistrate, to a fine not exceeding one hundred rupees, which may be deducted from any salary then due to such offender, or to imprisonment, with or without hard labor, for any term not exceeding three months.

Members of Police Force to receive certificates vesting them with the powers of a constable.

13. Every member of the Police Force shall receive on his enrolment a certificate (A), under the signature of the Commissioner of Police, by virtue of which he shall be vested with the powers, functions, and privileges of a constable. Such certificate shall cease to have effect whenever the person named in it is suspended or dismissed, or otherwise removed from employment in the Force.

Members of Police Force not to resign without leave, or six or two months' notice.

14. No member of the Police Force, to be enrolled under this Act, shall be at liberty to resign his office, or to withdraw himself from the duties thereof, unless expressly allowed so to do in writing by the Commissioner, or unless he shall have given to the Commissioner six months' notice of his intention, if a member of the mounted branch of the said Force, and two months' notice if a member of any other branch;

Penalty.

and every member of the said Force, who shall so resign or withdraw himself without such leave or notice, shall be liable, on the order of the Commissioner, to forfeit all arrears of pay then due to him; and, on the sentence of a Magistrate, if such Magistrate shall think fit, to pay a fine not exceeding fifty rupees, or to be

imprisoned, with or without hard labor, for any term not exceeding two months.

Penalty for dismissed members of Police Force not delivering up clothing, accoutrement, &c.

15. Every member of the Police Force, who shall be dismissed from, or shall cease to hold and exercise, his office, and who shall not forthwith deliver up his certificate, and all the clothing, accoutrements, and other necessaries which may have been supplied to him for the execution of his duty, to the Commissioner, or to such person, and at such time and place, as shall be directed by the said Commissioner, shall be liable, on summary conviction before a Magistrate, to imprisonment, with or without hard labor, for any term not exceeding one month.

And it shall be lawful for the Commissioner, or for any Magistrate, to issue his warrant to search for and seize all the clothing, accoutrements, appointments, and other necessaries which shall not be so delivered over, wherever the same may be found.

PART IV.

Police Funds.

Police Superannuation Fund.

16. There shall be deducted from the pay of every member of the Police Force, of a class not entitled to the benefit of the Uncovenanted Service Pension Rules, a sum, after such rate as the said Lieutenant-Governor shall direct, not exceeding one anna in the rupee, which sum so deducted, shall, from time to time, be invested in such manner and in such securities as the said Lieutenant-Governor may in writing direct; and the said sum so invested, together with the interest and dividends thereof, shall form a Fund, to be called "The Police Superannuation Fund," and shall be applied, from time to time, to payment of such superannuation or retiring allowances or gratuities as may be ordered by the said Lieutenant-Governor at any time to any of the aforesaid members of the Police Force.

No Police Officer entitled as of right to allowance from the Fund.

Provided that any Police Officer may be dismissed or removed without a superannuation allowance, and that no Police Officer shall be entitled as of right to any allowance from the said Fund, or shall retain any right to a refund of any deduction made from his pay while he shall have been a Police Officer.

Proceeds of fines to be credited to any Fund applicable to Police purposes.

17. All sums accruing from stoppages from members of the Police Force during absence from sickness or other cause, and fines imposed on members thereof for misconduct, and from fines imposed by Magistrates upon drunken persons or for assaults upon Police Officers, and all moneys arising from

the sale of worn or cast-off clothing or other articles supplied for the use of the Police, shall be credited to any Fund applicable to Police purposes.

PART V.

Appointment of Special and Additional Constables.

Commissioner of Police may appoint Special Constables when necessary.

18. The Commissioner of Police may, of his own authority, appoint Special Constables to assist the Police Force on any temporary emergency.

Powers of Special Constables.

19. Every Special Constable so appointed shall have the same power, privileges and protection, and shall be liable to perform the same duties, and shall be amenable to the same penalities and be subordinate to the same authorities, as the ordinary Officers of Police.

Penalty for Special Constable neglecting or refusing to serve

20. If any person, being appointed a Special Constable as aforesaid, shall, without sufficient excuse, neglect or refuse to serve as such, or to obey such lawful order or direction as may be given to him for the performance of his duties, he shall be liable, upon conviction before a Magistrate, to a fine not exceeding fifty rupees for every such neglect, refusal, or disobedience.

Appointment of additional constables on the application of private individuals.

21. The Commissioner of Police may also, if he shall think fit, on the application of any person showing the necessity of it, appoint any additional number of constables to keep the peace at any place within his jurisdiction, at the charge of the person applying, but subject to the orders of the said Commissioner, and for such times as he shall think fit; and every such constable shall receive a certificate, by virtue of which he shall be vested with all the powers, privileges, and duties of the constables belonging to the Police Force.

Discontinuance of additional constables.

Provided that the person upon whose application such appointment shall have been made may, upon giving one month's notice in writing to the Commissioner of Police, require that the constables so appointed at his expense shall be discontinued, and thereupon the said Commissioner shall discontinue such additional constables; and all moneys received by the Commissioner for the payment of any such additional constables shall be accounted for by him.

22, 23, 24. [*Repealed by Act No. IV. of* 1877.]

PART VI.

Execution of Warrants, Trespass, and Arrest without Warrant.

Execution of warrants.

25. When any warrant shall be directed or delivered to any such officer, unless the authority issuing it shall order that it be executed without delay, such Police Officer shall deliver

the same to the superior officer in charge of the division to which he belongs, who shall appoint, by endorsement thereon, one or more Police Officers to execute the same; and every Police Officer whose name shall be so endorsed thereon, shall have the same powers, privileges, and protection, as if the same had been originally directed to him by name.

26, 27, 28. [*Repealed by Act No. IV. of* 1877.]

Penalty for wilful trespass on property.

29. Whoever, without satisfactory excuse, wilfully trespasses in or on any dwelling-house or premises, or on any land or ground attached thereto, or on any boat or vessel, not thereby causing any actual damage, or on any ground belonging to Government or appropriated to public purposes, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding twenty rupees.

30, 31. [*Repealed by Act No. IV. of* 1877.]

Arrest without warrant and punishment of reputed thieves, &c.

32. Any person found between sunset and sunrise armed with any dangerous or offensive instrument whatsoever, with intent to commit any criminal act;

any reputed thief found between sunset and sunrise on board any vessel or boat, or lying or loitering in any bazar, street, road, yard, thoroughfare, or other place, who shall not give a satisfactory account of himself;

any person found between sunset and sunrise having his face covered or otherwise disguised, with intent to commit any offence;

any person found between sunset and sunrise in any dwelling-house or other building whatsoever, without being able satisfactorily to account for his presence therein;

and any person having in his possession, without lawful excuse (the proof of which excuse shall be on such person), any implement of house-breaking,

may be taken into custody by any Police Officer without a warrant, and shall be liable, on summary conviction before a Magistrate, to imprisonment, with or without hard labor, for any term not exceeding three months.

PART VII.

Taking Spirits into Barracks, Men-of-war, or Jails.

Penalty for taking spirits into barracks or on board men-of-war.

33. Whoever, not being amenable to the Articles of War for Her Majesty's Army or Her Majesty's Navy, or for the native officers or soldiers in Her Majesty's Indian Army, takes, or attempts to take, into Fort William at Calcutta, or into any military barracks, guard-rooms, or encampments within the town of Calcutta, or on board or alongside of any vessel of war

belonging to Her Majesty in the port of the said town, any spirits or spirituous or fermented liquors, or intoxicating drugs or preparations, without the license in writing of the Commanding Officer (unless such articles are intended for some person above the rank of Non-Commissioned Officer), shall be liable, on summary conviction before a Magistrate, to a fine not exceeding one hundred rupees, or imprisonment for any term not exceeding two months, with or without hard labor; and such liquors, drugs, or preparations, and the vessels containing the same, shall be forfeited.

Penalty for taking spirits into jail.

34. Whoever takes, or attempts to take, without due permission, or throws, or attempts to throw, into any jail or house of correction, or into any public hospital, any spirits or spirituous or fermented liquors, or intoxicating drugs or preparations, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty rupees, or to imprisonment, with or without hard labor, for any term not exceeding two months.

PART VIII.

License for Hotels and under Excise Act, etc.

Penalty for keeping hotel, &c., without a license.

35. Whoever in the town of Calcutta has or keeps any hotel, tavern, punch-house, ale-house, arrack or toddy shop, or place for the sale or consumption of ganja, chundoo, or other preparation of opium, hemp, or other intoxicating drug, plant, or substance, or has or keeps any coffee-house, boarding-house, eating-house, lodging-house, or other place of public resort and entertainment, wherein provisions, liquors or refreshments are sold or consumed (whether the same be kept or retailed therein or procured elsewhere), without a license to be obtained in the manner hereinafter mentioned, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty rupees for every day that the said house or place of entertainment is kept open, or the sale of provisions, liquors, or refreshments is continued without the necessary license:

Provided that nothing in this Act shall apply to the sale in reasonable quantities of any drug, plant, or substance in any chemist's or druggist's shop for medicinal purposes only.

Excise license not to be granted without certificate of Commissioner of Police.

36. No license shall be granted under the provisions of the *Bengal Excise Act, 1878, unless the person applying for such license shall produce a certificate from the Commissioner of Police, stating that a license may be granted to him for the sale of spirituous liquors or intoxicating drugs, as the case may be, without risk or detriment to the preservation of peace and good order, and containing a full statement of such conditions as may have been imposed, and shall have remained in force under the provisions hereinafter contained at the date when such license shall be granted.

* Bengal Act VII of 1878, section 3, para. 4.

No license so granted shall be renewable without a fresh certificate as aforesaid previously obtained from the Commissioner of Police, subject to the order and control of the Lieutenant-Governor of Bengal.

Duration and conditions of license.

37. It shall be competent to the Commissioner of Police, subject to the direction and control of the said Lieutenant-Governor, to limit in such certificate as aforesaid, the period for which the license may be granted, and also to fix such conditions as he may deem necessary for securing the good behaviour of the keepers of the houses and places of entertainment as aforesaid, and for the prevention of drunkenness and disorder among the persons frequenting or using the same, and from time to time to vary such conditions subject to such direction and control as aforesaid; and no license granted under the said *Bengal Excise Act, 1878, shall be valid, unless it shall contain such conditions as shall have been imposed and shall remain in force for the time being under this section.

Penalty for keeping up a signboard or notice after expiry of license.

38. Whenever any license granted as aforesaid shall have ceased to have effect, it shall be lawful for the Commissioner of Police to order the person to whom such license shall have been granted, to remove or cause to be removed any signboard or other notice which such person might have been theretofore bound, under the conditions of his said license, to affix on or near the house or place of public resort or entertainment for which such license had been granted; and any person who shall fail to obey any such order forthwith, shall be liable, on summary conviction before a Magistrate, to a fine of ten rupees for every day thereafter during which he shall so fail.

Commissioner of Police may grant licenses for places for which no licenses are required under Excise Act.

39. The Commissioner of Police may, at his discretion, from time to time grant licenses to the keepers of such houses or places of public resort and entertainment as aforesaid for which no license as is specified in the *Bengal Excise Act, 1878, is required, upon such conditions, to be inserted in every such license, as he, with the sanction of the said Lieutenant-Governor, from time to time shall order for securing the good behaviour of the keepers of the said houses or places of public resort or entertainment, and the prevention of drunkenness and disorder among the persons frequenting or using the same; and the said licenses may be granted by the said Commissioner for any time not exceeding one year.

Penalty for breach of any condition of a license.

40. Any person committing a breach of any of the conditions which,† in accordance with section thirty-seven of this Act, are included in a license granted under the *Bengal Excise Act, 1878, or of any of the conditions subject to

* Bengal Act VII of 1878, section 3, para. 4.
† Bengal Act II of 1876, section 12.

which a license is given under section thirty-nine of this Act, shall, on summary conviction before a Magistrate, be punishable by a fine not exceeding one hundred rupees; and such fine shall be recovered from the person licensed, notwithstanding that such breach may have been owing to the default or carelessness of the servant or other person in charge of the shop or place of sale.

Any person so convicted shall also be liable to the forfeiture of his license, at the discretion of the Commissioner of Police, subject to the direction and control of the said Lieutenant-Governor.

Fee for certificate and license.

41. For every certificate or license granted by the Commissioner of Police under this Act there shall be levied a fee of two rupees.

PART IX.

Harbouring Deserters and keeping Disorderly Houses.

Penalty for harbouring and concealing deserters from merchant vessels.

42. Whoever, in any place within the said Town, wilfully harbours or conceals any seaman or apprentice belonging to any vessel other than a vessel of the Navy of the Queen, knowing, or having reason to believe, such seaman or apprentice to be a deserter, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding one hundred rupees.

Disorderly houses.

43. On proof to the satisfaction of the Commissioner of Police, or of a Magistrate, that a house is used as a common brothel, or lodging-house for prostitutes, or disorderly persons of any description, such Commissioner or Magistrate may summon the owner or tenant of the house, and, on being satisfied that the house is so used, and is a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it; and, if he shall fail to comply with such order within five days, may impose upon him a fine to the extent of twenty-five rupees for every day thereafter that the house shall be so used.

PART X.

Gaming-houses.

Penalty for owning or keeping, or being employed in a gaming-house, &c.

44. Whoever, being the owner, occupier, or having the use of any house, room, or place, opens, keeps, or uses the same as a common gaming-house;

and whoever, being the owner or occupier of any house or room, knowingly and wilfully permits the same to be opened, kept, or used by any other person as a common gaming-house;

and whoever has the care or management of, or in any manner assists in conducting, the business of any house, room, or place so opened, kept, or used;

and whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, room, or place,

shall be liable, on summary conviction before a Magistrate, to a fine not exceeding five hundred rupees, or to imprisonment, with or without hard labor, for any term not exceeding three months.

Penalty for being found playing in a gaming-house.

45. Whoever is found in any such house, room, or place, playing or gaming with cards, dice, counters, money, or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake, or otherwise, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding two hundred rupees, or to imprisonment, with or without hard labor, for any term not exceeding one month; and any person found in any common gaming-house during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

Commissioner of Police or Magistrate may grant warrants to Police Officers to enter a gaming-house for the purpose of search and seizure.

46. If the Commissioner of Police or a Magistrate, upon information on oath, and after such enquiry as he may think necessary, has reason to believe that any house, room, or place is used as a common gaming-house,

he may, by his warrant, give authority to any Inspector or superior Officer of Police to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, room, or other place,

and to take into custody all persons whom he finds therein, whether or not then actually gaming,

and to seize all instruments of gaming, and all moneys and securities for money, and articles of value reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein,

and to search all parts of the house, room, or place which he shall have so entered, when he has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he so takes into custody,

and to seize and take possession of all instruments of gaming found upon such search.

Presumption as to house being used as a common gaming-house.

47. When, under the provisions of the last preceding section, any cards, dice, gaming-table, or cloth, board, or other instruments of gaming, are found in any house, room, or place, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear,

that such house, room, or place is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Police Officer or any of his assistants.

On conviction for keeping a common gaming-house, instruments of gaming to be destroyed.

48. On conviction of any person for keeping any such common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein shall be destroyed by order of the Magistrate, who may also order all or any of the securities for money and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof, with all money seized therein, to be forfeited, or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

Proof of playing for stakes unnecessary.

49. It shall not be necessary, in order to convict any person of keeping a common gaming-house or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager, or stake.

Witnesses indemnified.

50. Any person who shall have been concerned in gaming contrary to this Act, and who shall be examined as a witness before a Magistrate on the trial of any person for a breach of any of the provisions of this Act relating to gaming, and who, upon such examination shall make true and faithful discovery, to the best of his knowledge, of all things as to which he shall be so examined, and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

Portion of fine may be paid to informer.

51. The Magistrate may direct any portion, not exceeding one-fourth of any fine which shall be levied under sections forty-four and forty-five of this Act, or any part of the moneys or proceeds of articles seized and ordered to be forfeited under section forty-eight, to be paid to an informer.

52. [*Repealed by Bengal Act II of* 1867.]

PART XI.

Stolen Property, taking Pledge from Children, and False Weights and Measures.

Pawn-brokers and money-changers to report stolen property under a penalty for neglect.

53. If any property answering the description set forth in any information which shall be given by any Police Officer to any pawn-broker or dealer in second-hand property, or money-changer regarding property stolen or fraudulently obtained, shall then be, or thereafter come,

into the possession of, or be offered in pawn or for sale, or change, to such pawn-broker, dealer, or money-changer, he shall, without unnecessary delay, give information to that effect at the nearest Police Station, and shall also state the name and address given by the party by whom the same was offered, or from whom the same was received, under a penalty, to be imposed by a Magistrate on summary conviction, not exceeding fifty rupees for each and every such neglect or offence;

provided always that, in the case of wearing apparel or other articles which it may be difficult for such pawn-broker or dealer to trace out and identify, no fine shall be exigible in respect of not reporting such articles, unless it shall appear to the Magistrate that such articles had been knowingly concealed by such pawn-broker or dealer.

Taking pledge from child under the age of fourteen.

54. Whoever takes from any child, apparently under the age of fourteen years, any article whatsoever as pawn, pledge, or security for any sum of money lent or advanced to such child, or, without the knowledge and consent of the owner of the article, buys from any child any article whatsoever, shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding one hundred rupees.

Standard weights and measures.

55. The Commissioner of Police shall keep in his office standard weights and measures; and weights and measures shall be held to be false when they do not agree with such standards.

Power to enter shops to seize false weights and measures.

56. Any Inspector or superior Officer of Police may enter any shop or premises for the purpose of inspecting the weights and measures, and instruments for weighing, kept or used therein, and may seize any weight, measure, or instrument for weighing which he may have reason to believe is false.

PART XII.

Manufacture, Possession, Sale, and Transport of Gunpowder.

Manufacture or possession of gunpowder.

57. Whoever manufactures gunpowder, or, without a license from the Commissioner of Police, has in his possession, in any house, shop, warehouse, or other building, at any one time, a greater quantity of gunpowder than ten pounds, shall be liable, on a summary conviction before a Magistrate, to a fine not exceeding five hundred rupees, and also to forfeit such gunpowder so manufactured or possessed, together with the vessel or receptacle in which it may be contained.

Licenses by Commissioner of Police for sale and deposit of gunpowder, &c.

58. The Commissioner of Police may grant to any person a license for the sale or keeping in deposit of any quantity of gunpowder not exceeding fifty pounds, on such conditions, and for such term, not exceeding one year, as shall be specified in the license; and any person

who shall be guilty of a breach of any of such conditions shall, on summary conviction before a Magistrate, be liable to a fine not exceeding two hundred rupees, and to forfeit all gunpowder so kept in deposit contrary thereto, and the vessels containing it, and also, in the discretion of the Magistrate, or of the Commissioner, to forfeit his license.

Licenses for conveying and removing gunpowder.

59. The Commissioner of Police may grant to any person a license for the transit and carrying of gunpowder from one place to another, in such manner and in such quantity as he may deem advisable; and any person, not being duly licensed in that behalf, who carries or conveys a greater quantity of gunpowder than one pound from one place to another, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty rupees.

Commissioner of Police may issue warrant to search for gunpowder, &c.

60. The Commissioner of Police, on credible information laid before him on oath, may issue his warrant authorizing a Police Officer to search in the day time any house, shop, magazine, or other building or place in which he has reasonable ground to suspect that any gunpowder is manufactured, sold, or kept, or any boat, carriage, cart, or other vehicle in which any gunpowder may be suspected to be carried, or any person suspected of carrying the same, contrary to the provisions of this Act; and all gunpowder found on such search shall, together with the vessels or receptacles in which it may be restored, be immediately seized and kept, pending the judgment of a Magistrate.

Act not to apply to Government gunpowder, &c.

61. None of the four last preceding sections shall extend to any Government magazine, or store, or building for the making or deposit of gunpowder under the authority, or for the use of the Government, or to any gunpowder belonging to Her Majesty.

PART XIII.

Regulation of Processions.

The regulation of public processions, &c., and of carriages and persons at places of public resort, &c.

62. The Commissioner of Police, from time to time, as occasion may require, may, subject to the orders of the said Lieutenant-Governor, make rules for the conduct of all assemblies and processions in the public roads, streets, or thoroughfares, prescribing the routes by which, and the times at which, such processions may pass;

and for keeping order in the public roads, streets, thoroughfares, ghats, and landing-places, and all other places of public resort, and preventing obstructions thereof on the occasion of such assemblies and processions, and in the neighbourhood of places of worship during the time of public worship;

and in any case when the roads, streets, or thoroughfares, ghats, or landing-places, may be thronged, or may be liable to be obstructed;

and may give licenses for the use of music in the streets on the occasion of native festivals and ceremonies.

Penalty.

Every person opposing or not obeying the orders so issued by the Commissioner of Police, or violating the conditions of such license, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding one hundred rupees.

PART XIV.

Registration of Passenger-Boats.

Passenger-boats to be registered.

63. No boat shall ply for passengers in the port of Calcutta unless duly registered at the Police Office. The following particulars shall be entered in the Register:—

First.—Number of the boat.

Second.—Name and residence of the owner, and of the manjee.

Third.—Number of the crew.

Fourth.—Number of persons the boat is permitted to carry.

Duration of, and fee for, registration.

The registration shall be in force for one year; and every change of the owner or manjee within that time shall be therein noted. A fee of one rupee shall be paid on registration.

Name of owner or manjee, number, &c., to be painted.

The owner or manjee of every such registered boat shall cause to be painted on a conspicuous part of it, in the English and Vernacular languages, the registered number thereof, the number of the crew, and the number of passengers permitted to be carried.

Penalty.

The owner or manjee of a boat plying for passengers without being duly registered, or carrying more passengers, or with a less crew than is stated in the register, or not having the prescribed particulars painted on it, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty rupees.

Commissioner may refuse to register unsafe boats, or, if registered, may cancel the registry.

64. The Commissioner may refuse to register any boat, or may cancel the registration thereof, whenever it may appear to him to be in an unsafe state.

Penalty for neglecting or delaying to report accident to a registered boat attended with loss of life.

65. Whenever any accident shall occur to a registered boat, attended with loss of the life of any one of the crew or passengers, the manjee, or, if the manjee be not forthcoming, the owner of the boat, shall report the circumstances at the Police Office; and if the manjee or the owner,

as the case may be, without lawful excuse, neglect or delay to make such report, he shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty rupees.

PART XV.

Offences in Public Streets.

Penalty for the following offences in public streets, &c.

66. Whoever, within such limits as shall be from time to time defined by the Commissioner of Police with the sanction of the said Lieutenant-Governor, in any public street, road, thoroughfare, or place of public resort, commits any of the following offences, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding fifty rupees.

Driving, &c., elephant or camel without permission.

I. Whoever drives, rides, or leads any elephant or camel without permission from the Commissioner of Police;

Driving a vehicle without a sufficient light.

II. Whoever drives any vehicle of any description, at any time between three quarters of an hour after sunset, and one hour before sunrise, without a sufficient light, except when, in the opinion of the Magistrate, there may be sufficient moonlight to render such light unnecessary.

Driving vehicle otherwise than on left side of the road.

III. Whoever, without reasonable cause, shall drive a carriage, cart, or other vehicle otherwise than on the left or near side of the road.

Exposing for show horses, or cleaning or repairing conveyances, or training horses in places not allowed by the Commissioner.

IV. Whoever exposes for show, hire, or sale, any horse or other animal, or any carriage, or cleans or dresses any horse or other animal, or cleans any carriage or other conveyance, or makes or repairs any part of any cart or carriage, except in cases of accident where repair on the spot is necessary, or trains or breaks any horse, except in such place and at such times as may be allowed by the Commissioner.

Negligence in driving cattle.

V. Whoever, by negligence or ill-usage in driving cattle, causes any mischief to be done by such cattle, or in any wise misbehaves himself in the driving, management, or care of such cattle, so as to cause mischief or obstruction.

Leaving, cart, &c., without control.

VI. Whoever, being in charge of a cart, carriage, or horse, leaves it at such a distance as not to have the same under due control.

Obstructing road or thoroughfare by carriage, &c.

VII. Whoever causes any cart or truck, with or without horses or cattle, to remain or stand longer than may be necessary for loading or unloading, except at places lawfully appointed for the purpose; or leaves any cart, carriage, or

truck, or fastens any horse or other animal, so as to cause any obstruction in any thoroughfare.

Obstructing foot-way.

VIII. Whoever leads or rides any horse or other animal, or draws or drives any cart, carriage, or truck upon any foot-way, or fastens any horse or animal so that it can stand across or upon any foot-way.

Beating drums, tom-tom, &c.

IX. Whoever beats a drum or tom-tom, or blows a horn or trumpet, or beats, or sounds any brass or other metal instrument or utensil, except at such times and places as shall be, from time to time, allowed by the Commissioner of Police.

Driving a cart with insufficiently greased wheels.

X. Whoever, by driving a hackery or cart with insufficiently greased wheels, shall create a noise which is reasonably calculated to cause annoyance to persons frequenting or residing near the thoroughfare in which such hackery or cart is driven.

Lighting fires and discharging guns, fire-works, &c.

XI. Whoever sets fire to, or burns, any straw or other matter, or lights any bon-fire, or wantonly discharges any fire-arm or air-gun, or lets off or throws any fire-work, or sends up any fire-balloon, in or near any public street, road, or thoroughfare, except at such times and places as shall, from time to time, be allowed by the Commissioner of Police.

Illuminations.

XII. Whoever, without the consent of the Commissioner of Police, puts up any post or other thing on the side of any public street, for the purpose of affixing thereon lamps to illuminate the street.

Affixing bills, or otherwise defacing houses, &c.

XIII. Whoever, without the consent of the owner or occupier, affixes any bill or notice, or any paper, against or upon any building, wall, or fence, or writes upon, defaces, or marks any such building, wall, or fence with chalk or paint, or in any way whatsoever.

Bathing in public street or aqueduct.

XIV. Whoever bathes or washes himself in any public street, or in, upon, or by the side of any public tank, reservoir, or aqueduct, not being a place set apart for such purpose.

Obstructing persons at bathing-places.

XV. Whoever obstructs or incommodes a person bathing at any place set apart as a bathing-place, by wilful intrusion, or by using such place as a landing-place, or by anchoring or otherwise fastening or keeping boats, or by washing horses, cattle or dogs at or near such place, or in any other way.

67. [*Repealed by Bengal Act I of* 1869.]

68. Whoever is found drunk and incapable of taking care of himself, in any street or thoroughfare, or in any place of public amusement or resort, shall be liable, on summary conviction before a Magistrate, to a fine not exceeding ten rupees, or to imprisonment with or without hard labor for a term not exceeding twenty-four hours.

Penalty for drunkenness in public.

69. [*Repealed by Act No. IV of* 1877.]

70. Whoever, in any public road, street, thoroughfare or place, begs or applies for alms, or exposes or exhibits any sores, wounds, bodily ailment or deformity, with the object of exciting charity or of obtaining alms; or whoever seeks for, or obtains alms, by means of any false statement or pretences, shall be liable, on summary conviction before a Magistrate, to imprisonment with or without hard labor for any term not exceeding one month.

Beggars.

PART XVI.

MISCELLANEOUS.

71. It shall be lawful for all persons, and it is hereby declared to be the special duty of all Police Officers, to seize all cattle or other animals found straying upon the roads, streets, or thoroughfares, or trespassing on any of the grounds or property of the inhabitants, or of the Government, and to confine such animals in any public pound which shall, for such purpose, be from time to time appointed by the Commissioner of Police; and if such animals shall not be respectively redeemed by the owners of the same within ten days after being so impounded, by paying to the person to be appointed by the said Commissioner to have charge of such pound, the fee of eight annas for every goat, sheep, or hog, and one rupee for every other animal, together with the expenses of feeding the same while impounded, according to a daily rate to be settled by the said Commissioner, such animals so impounded shall be publicly sold, and the produce of such sale, after paying the said fee and also the expenses of feeding, shall be paid to the owners of such animal, or in default of their claiming such produce for the space of fifteen days after such sale, shall be retained by the said Commissioner, and credited to any fund applicable to police purposes.

Stray animals to be impounded and sold unless redeemed within ten days.

72. Any Police Officer may arrest without a warrant any person committing, in his view, any of the offences described or referred to in this Act.

Police Officer may arrest without warrant on view of offence.

73. [*Repealed by Act No. IV of* 1877.]

Apprehension of offenders by private individuals.

74. Whoever commits an offence on or with respect to the person or property of another, or, in committing any of the offences described or referred to in this Act, injures or damages the person or property of another, may, if his name and address be unknown, be apprehended by the person injured, or by any person who may be using the property to which the injury may be done, or by the servant of either of such persons, or by any person authorized by or acting in aid of him, and may be detained until he give his name and address, and satisfy such person that the name and address so given are correct, or until he can be delivered into the custody of a Police Officer.

Penalty for assaulting or forcibly resisting a person who apprehends under the preceding section.

75. If any person lawfully apprehended under the last preceding section shall assault or forcibly resist the person by whom he shall be so apprehended, or any person acting in his aid, he shall be liable to a fine not exceeding two hundred rupees.

Detention of persons taken into custody by a Police Officer without warrant.

76. Every person taken into custody without a warrant by a Police Officer shall be taken to the Station House, in order that such person may be detained until he can be brought before a Magistrate, or until he shall enter into recognizances, with or without sureties, for his appearance before a Magistrate.

Power to take recognizances at the Station Houses upon certain charges.

77. Whenever any person is brought to a Station House charged with any offence against this Act, or with any of the offences numbered 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 20, 21, 22, 23, 24, and 25 in section twenty-six of this Act; or whenever a person is in the custody of any Police Officer without a warrant, it shall be lawful for the Officer in charge of such Station House, or any superior Officer of Police, if he shall deem it prudent, to enlarge such person on his own recognizance, with or without sureties, conditioned as hereinafter mentioned.

Section 26 is repealed by the Presidency Magistrates' Act, 1877. The following are the offences referred to :—

1. Offences under sections 133, 134, 135, 136, 137, 138, or 140 of the Indian Penal Code.
2. Offences under section 161 of the Indian Penal Code.
3. Contempts of the lawful authority of public servants, other than an offence under section 181 of the Indian Penal Code.
4. Resistance or obstruction by a person to his lawful apprehension under section 224 of the Indian Penal Code.
5. Resistance or obstruction to the lawful apprehension of another person under section 225 of the Indian Penal Code.
6. Offences relating to weights and measures.
7. Offences relating to religion.
9. Voluntarily causing hurt under section 321 of the Indian Penal Code.
10. Voluntarily causing hurt on provocation under section 334 of the Indian Penal Code.
11. Doing an act rashly or negligently under section 336 or 337 of the Indian Penal Code.
12. Wrongful restraint under section 341 of the Indian Penal Code.

13. Wrongful confinement under sections 342 of the Indian Penal Code.
14. Assault or criminal force under section 352, 353, 357, or 358 of the Indian Penal Code.
20 Mischief under section 426, 428, or 434, of the Indian Penal Code.
21. Criminal trespass under section 447, 448, 453, 461, or 462 of the Indian Penal Code.
22. Criminal breach of a contract of service.
23. Criminal intimidation, insult, or annoyance
24. Attempts to commit any of the foregoing offences under section 511 of the Indian Penal Code.
25. Abetment of any of the foregoing offences.

Condition of recognizance.

78. Every recognizance so taken shall be without fee or reward, and shall be conditioned for the appearance of the person thereby bound before the Magistrate at his next sitting, and all persons executing the said recognizance shall acknowledge themselves jointly and severally bound in the sum (not exceeding one thousand rupees) thereby acknowledged, and the time and place of appearance shall be specified in the said recognizance, or in the condition thereof; and the officer taking the recognizance shall enter in a book, to be kept for the purpose, the name, residence, and occupation of the party, and his surety or sureties (if any) entering into such recognizance, together with the condition thereof, and the sum thereby acknowledged, and shall return every such recognizance to the Magistrate present at the time and place when and where the party is bound to appear.

On suspicion of goods being stolen, or unlawfully obtained, Commissioner of Police may grant search-warrant.

79. * If information shall be given on oath to the Commissioner of Police, that there is reasonable cause for suspecting that anything stolen or unlawfully obtained is concealed or lodged in any dwelling-house, building, or other place, or any ship or vessel,

the Commissioner by special warrant under his hand directed to any Police Officer, may cause such dwelling-house, building, or other place, or ship or vessel, to be entered and searched at any time of the day, or by night, if power for that purpose be given by such warrant;

and the said Commissioner, if it shall appear to him necessary, may empower such Police Officer, with such assistance as may be found necessary (such officer having previously made known his authority), to use force for the effecting of such entry, whether by breaking open doors or otherwise,

and if, upon search thereupon made, such thing shall be found, then to convey the same before a Magistrate, or to guard the same on the spot until the offenders are taken before a Magistrate, or otherwise dispose thereof in some place of safety; and, moreover to take into custody, and carry before the said Magistrate, every person found in such house or place, or ship or vessel, who shall appear to have been privy to the deposit of any such thing, knowing or having reasonable cause to suspect the same to have been stolen or otherwise unlawfully obtained.

* Act No. IV of 1877, section 2, Schedule 1.

80. If information shall be given to any Officer of Police not below the rank of Inspector, that there is reasonable cause for suspecting that any stolen property is concealed or lodged in any dwelling-house or other place, and he shall have good grounds for believing that, by reason of the delay in obtaining a search-warrant, the property is likely to be removed, the said Officer, in virtue of his office, may search for specific articles alleged to have been stolen in the houses and places specified: provided always that a list of the articles stolen or missing be delivered or taken down in writing, with a declaration stating that the robbery has been committed, and that the informant has good ground to believe that the property is deposited in such house or place; and provided, further, that the person who lost the goods, or his representative, accompany the officer in the search.

Power to search houses for stolen property without a warrant in certain cases.

81. It shall be lawful for any Police Officer to seize any property or thing which may be found in the possession of any person where the possession by such person of such property or thing creates a reasonable suspicion of the committal of an offence; and such seizure shall be forthwith reported to the Commissioner of Police, who shall thereupon make such order respecting the custody or production of the property as he shall think proper.

Seizure of stolen property.

82 *to* 94. [*Repealed by Act No. IV of* 1877.]

95. If any person, upon entering into such recognizance as is by this Act authorized to be taken, do not afterwards appear pursuant to such recognizance, the Magistrate before whom he ought to have appeared, shall certify the fact of such non-appearance on the back of the recognizance, and thereupon the sum thereby acknowledged shall be recoverable in the manner provided by this Act for levying fines.

If Magistrate certifies non appearance, the sum acknowledged may be recovered as a fine.

96, 97, 98. [*Repealed by Act No. IV of* 1877.]

99. *Clause* 1.—All actions and prosecutions against any person, which may be lawfully brought for any thing done, or intended to be done, under the provisions of this Act, shall be commenced within three months after the act complained of shall have been committed, and not otherwise;

Limitation of actions.

and notice in writing of such action, and of the causes thereof, shall be given to the defendant one month at least before the commencement of the action; and in every such action it shall be expressly alleged in the plaint that the act complained of was done maliciously and without reasonable or probable cause, and if at the trial of any such action, upon the general issue being pleaded as hereinafter

Notice of action.

provided, the plaintiff shall fail to prove such allegation, he shall be non-suited, and a verdict shall be given for the defendant.

Plea and tender of amends.

Clause 2.—The defendant in any such action may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant;

Costs.

and if a verdict shall pass for the defendant, or the plaintiff shall become non-suited, or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same, as any defendant hath by law in other cases; and, though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge, before whom the trial shall be, shall certify his approbation of the action, and of the verdict obtained thereupon.

Moveable property under Rs. 200 of persons dying intestate may be taken charge of by Police, and delivered to party claiming to be entitled thereto.

100. Whenever any person dies intestate within the said Town, leaving moveable property therein under two hundred rupees in value, which property is, in the absence of any person entitled thereto, taken charge of by the Police for the purpose of safe custody, it shall be lawful for the Commissioner of Police to order the said property to be delivered, without letters of administration taken out, to any person claiming to be entitled to the whole or any part thereof; provided he shall be satisfied of the title of the claimant, and of the value of the property, by the oath or affirmation of the claimant, or by such other evidence as he may require.

Commissioner of Police may take security for due administration and distribution of such property.

101. The Commissioner of Police may, at his discretion, before making any order under the preceding section, take such security as he may think proper for the due administration and distribution of such property.

And nothing hereinbefore contained shall affect the right of any person to recover the whole or any part of the same from the person to whom it may have been delivered pursuant to such order.

Stray dogs to be killed at certain appointed periods.

102. It shall be lawful for the Commissioner of Police, by order in writing to be affixed at the principal Police Stations, and also to be published in some public newspaper, to appoint, from time to time, certain periods within

which any dogs found straying in the streets or beyond the enclosures of the houses of the owners of such dogs may be destroyed.

103. [*Repealed by Act No. XII. of* 1875.]

SCHEDULE OF FORMS.

FORM A.

(*See section* 13.)

A. B. has been appointed a Superintendent, Inspector, Jemadar, Darogah, or Peon (*as the case may be*), in the Calcutta Police Force, and is vested with the powers, functions, and privileges of a Constable.

FORM B.

(*See section* 97.)

Be it remembered that, on the day of in the year of our Lord , before me Magistrate of Police in and for the Town of Calcutta, C. D. is (*convicted or acquitted*) on a charge of (*here specify the alleged offence and the time and place when and where the same was committed, as the case may be*); and I, the said Magistrate of Police, believe the value of the property, the subject of the charge, to amount to a sum not exceeding fifty rupees, that is to say rupees; and I adjudge the said C. D. (*here state that the prisoner is to be discharged, or the punishment he is to suffer, as the case may be*).

(Signed)———

ACT No. V OF 1866.

CONTENTS.

PREAMBLE.

PART I.

REGISTRATION OF HACKNEY CARRIAGES.

SECTION.

2.—Carriages to be annually registered.

Registering officer to be under the control of the Commissioner of Police.

Local Government may empower Calcutta Corporation to appoint registering officer.

3.—Time and duration of registry.
License to be delivered to owner.
Particulars and duration of license.
4.—Application for registry.
Application may be granted or refused.
What carriages to be registered under first class.
5.—Form of register and license.
6.—Fee for registration.
7.—Registering officer may compound with owners of first class carriages.
8.—Registry may be cancelled when carriage is unfit for use.
9.—Notice to be given on change of ownership.
10.—Owners and drivers of carriage to give notice of change of residence.
11.—Registering officer to enter change of residence or ownership without fee.
12.—Penalty for not registering.
Sale of carriage on non-payment of fine.

PART II.

Plate on Hackney Carriage.

13.—A plate, specifying class and number, to be affixed to carriage.
14.—Penalty for letting carriage without having proper plate.
15.—Owner entitled to have new plate on loss or obliteration of former one.
Lost plate, if found, to be delivered to registering officer.
16.—Penalty on owner for not delivering up plate on expiration of registration.
17.—Penalty for fraudulently using counterfeit plate.

PART III.

Drivers' License.

18.—Drivers of hackney carriages to be licensed. Particulars thereof.
19.—Penalty on driver not having license or lending license.
20.—Penalty on owner for suffering unlicensed person to act as driver.
21.—Certified copies of the particulars of license to be given on payment of fee.

PART IV.

Drivers' Ticket.

22.—Driver to wear a metal ticket.
Penalty for omitting to wear ticket.
23.—Driver entitled to have new ticket on loss or obliteration of former one.
Penalty for neglecting to deliver up ticket and for wearing defaced ticket.
24.—Penalty for neglecting to deliver up ticket, lending ticket, &c.
25.—Penalty for using or having a counterfeit ticket.

26.—Penalty for failing to produce license. Conviction to be endorsed on license.

27.—Revocation or suspension of driver's license on his conviction of any offence.

Magistrate to send revoked or suspended license to registering officer.

PART V.

Fares, Hiring, and Plying for Hire.

28.—Fares to be paid for carriages of the second and third class.

Driver to be bound by contract for less payment than is fixed by the Act.

29.—Owner to keep table of fares inside carriages of second and third class.

30.—To what distance driver to be bound to drive.

Rate of speed.

Penalty.

31.—First and second class carriage to carry reasonable quantity of luggage.

32.—Penalty for refusing to let a carriage on hire.

33.—Penalty in case of drunkenness or misconduct of driver in loitering, refusing to be hired, demanding more than his fare, &c.

34.—Penalty on drivers absenting themselves from their employment.

35.—Proprietors of carriages may be summoned to appear and produce the drivers.

When complaint may be heard in absence of owner or driver.

36.—Penalty for refusing to pay legal fare and evading payment thereof.

37.—Penalty for destroying, &c., table of fares.

38.—Penalty for wilful injury to carriage.

39.—Disputes how to be settled.

40.—Table of distances signed by registering officer conclusive.

41.—Second and third class carriages may ply as stage carriages.

42.—Stands to be fixed.

PART VI.

Palankeens.

43.—Registration of palankeens.

44.—Particulars to be entered in register.

45.—Number must be painted on palankeen.

Penalty in case of neglect to register, or omission to have number painted.

46.—Table of fares must be exhibited in palankeen.

47.—Fares for palankeens.

Owner to be bound by contract for less payment than is fixed by Act.

48.—Registry of palankeen bearers, and provisions relating to them.

49.—To what distance and at what rate of speed bearers of palankeen bound to go.

Additional fare for greater rate of speed.

Owners and bearers of palankeens liable to penalties for which owners and drivers of hackney carriages are liable.

PART VII.

MISCELLANEOUS.

50.—Property left in carriages or palankeens to be deposited at the Police Office.

51.—Adjudication of penalties.

Disposal of penalties and fees.

52.—Amends for frivolous complaints.

53.—Interpretation clause.

54.—Power to extend Act.

TWO SCHEDULES.

ACT No. V OF 1866.

(Received the assent of the Lieutenant-Governor on the 24th March 1866, and of the Governor-General on the 29th idem.)

An Act to make better provision for the regulation of Hackney Carriages and Palankeens in the Town and Suburbs of Calcutta.

Preamble.

WHEREAS it is expedient to make better provision for the Regulation of Hackney Carriages and Palankeens in the Town and Suburbs of Calcutta; It is enacted as follows :—

1. [*Repealed by Act No. XII of* 1873.]

PART I.

REGISTRATION OF HACKNEY CARRIAGES.

Carriages to be annually registered.

2. Every hackney carriage, within the Town and Suburbs of Calcutta, shall be annually registered by a registering officer, who shall be appointed for the purpose by the Government, and who shall keep a register in which he shall enter every hackney carriage, under either the first, the second, or the third class.

Registering officer to be under the control of the Commissioner of Police.

Every act, matter, or thing done by the registering officer, under or by virtue of this Act, shall be subject to the order, disposition, and control of the Commissioner of Police, so far as the Town and Suburbs of Calcutta are concerned; and in respect of other Towns and places, of such other officer as the said Lieutenant-Governor shall in that behalf appoint.

*But the local Government may, if it think fit, empower the Corporation of the Town of Calcutta to appoint such registering officer, and any officer when so appointed shall, so far as the Town and Suburbs of Calcutta are concerned, be subject to the order, disposition, and control of the said Corporation.

Local Government may empower Calcutta Corporation to appoint registering officer.

The appointment and removal of such registering officer shall be subject to the provisions of section 36 of the Calcutta Municipal Consolidation Act, 1876.

3. The year of registration shall commence on the first day of April of each year; and every registration made on any date within such year of registration shall be in force to the end thereof and no longer.

Time and duration of registry.

The registering officer shall, at the time of registration, deliver a license to the owner of every hackney carriage registered as aforesaid.

License to be delivered to owner.

Such license shall contain the particulars hereinafter described, and shall be in force for the year of registration and no longer.

Particulars and duration of license.

4. The owner of any carriage, who is desirous of registering it as a hackney carriage, must apply to the registering officer, stating the class in which he desires that the carriage may be registered; and he shall submit the carriage for the inspection of the registering officer at such convenient time and place as the said officer shall appoint.

Application for registry.

The registering officer shall, on examination of the carriage, decide whether the carriage is fit to be registered in the class applied for, and shall, accordingly, either register it in that class, or refuse to grant the application. The person in whose name any carriage is registered shall be deemed the owner of such carriage for the purposes of this Act.

Application may be granted or refused.

Provided that no carriage shall be registered under the first class, unless the same belong to a coach builder, hotel-keeper, or livery stable-keeper, and do not ply for hire in the public streets.

What carriages to be registered under first class.

5. The following particulars shall be entered in the register, and shall be specified in the license to be given to the owner :—

Form of register and license.

---

* Bengal Act IV of 1878.

1*st.*—The class and the number assigned to the carriage in the register.

2*nd.*—The name and residence of the owner of the carriage.

3*rd.*—The number of horses to be employed in drawing such carriage.

4*th.*—The number of persons the carriage is licensed to carry.

Fee for registration.

6. A fee of three rupees shall be paid for each registration of a carriage of the first class, and a fee of two rupees for each registration of a carriage of the second or third class under this Act.

Registering officer may compound with owners of first class carriages.

7. The registering officer may at his discretion compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages of the first class for hire, for a certain sum to be paid in lieu of all fees payable during that period for the registration of such carriages.

Registry may be cancelled when carriage is unfit for use.

8. The registering officer may cancel the registration of any carriage under this Act, whenever it shall appear to him that such carriage, or any horse or harness used with such carriage, is unfit for public use, due regard being had to the class in which such carriage is registered.

Notice to be given on change of ownership.

9. Whenever any change shall take place in the ownership of a hackney carriage, if the person to whom such carriage shall have been transferred shall desire to use it as a hackney carriage, he shall, before so using it, give to the registering officer notice in writing of such transfer, and of his name and place of abode. If any such person shall, before giving such notice, as aforesaid, use such carriage as a hackney carriage, he shall be liable to a fine not exceeding five rupees for every day during which he shall so use the same.

Owners and drivers of carriages to give notice of change of residence.

10. Whenever the owner or driver of a carriage registered under this Act shall change his residence, he shall give notice thereof in writing signed by him to the registering officer, specifying in such notice his new residence. Every such owner or driver who shall change his residence, and shall neglect for one week to give such notice, shall be liable to a penalty not exceeding ten rupees.

Registering officer to enter change of residence or ownership without fee.

11. The registering officer, on receiving the notices specified in either of the two last preceding sections, shall make the necessary alteration in the register, and no fee shall be chargeable in respect thereof.

Penalty for not registering.

12. Whoever keeps, or is the proprietor of, any carriage required by this Act to be registered, and shall omit to have the same so registered, shall be liable to a fine not exceeding

one hundred rupees. Any Police Officer may seize and remove to a Police Station such carriage, together with the horse or horses drawing the same.

Sale of carriage on non-payment of fine.

If the carriage so seized be not claimed, and if any fine imposed be not paid within ten days, such carriage, together with the horse or horses seized with it, may be sold by auction, and the proceeds applied to the payment of the fine and all costs and charges incurred on account of the detention and sale, and the surplus (if any), if not claimed by the owner within a further period of twenty days, shall be forfeited to the Government.

PART II.

Plate on Hackney Carriage.

A plate, specifying class and number, to be affixed to carriage.

13. Upon the registration of any carriage in the second or third class, the registering officer shall provide a plate bearing the class and the number of such carriage in the register, and the number of persons it is licensed to carry, and shall cause such plate to be affixed on such conspicuous part of the outside of such carriage as shall, to the said registering officer, seem proper.

Penalty for letting carriage without having proper plate.

14. If any carriage shall be let or used for hire without having a proper plate duly affixed, as required by the preceding section, the owner thereof shall be liable to a penalty not exceeding fifty rupees.

Owner entitled to have new plate, on loss or obliteration of former one.

15. Whenever the writing on any plate shall become obliterated or defaced, so that the same shall not be distinctly legible, and also whenever any plate shall be proved, to the satisfaction of the registering officer, to have been lost or mislaid, the owner of the carriage on which such plate was affixed shall deliver such plate (if he shall have the same in his possession) to the registering officer, and shall be entitled to have a new plate affixed, upon payment of such sum of money, not exceeding three rupees, as the registering officer shall from time to time appoint;

Lost plate, if found, to be delivered to registering officer.

provided that if any plate, which shall have been proved as aforesaid to have been lost or mislaid, shall afterwards be found, the same shall forthwith be delivered to the registering officer; and every person in or into whose possession any such plate as last aforesaid shall be or come, and who shall refuse or neglect for three days to deliver the same to the said registering officer, and also every registered owner who shall use, or permit to be used, any plate after the writing thereon shall have become obliterated, defaced, or obscured, so that the same shall not be distinctly legible, shall, for every such offence, be liable to a penalty not exceeding fifty rupees.

16. On the expiration or other determination of the registration, the owner of any carriage registered as aforesaid shall cause the plate of such carriage to be delivered to the registering officer. Any person who, after the expiration of the period aforesaid, shall wilfully neglect for three days to deliver the plate to the said officer, and every person who shall retain any plate affixed in respect of a registration which is no longer in force, shall, for every such offence, be liable to a penalty not exceeding one hundred rupees.

Penalty on owner for not delivering up plate on expiration of registration.

It shall be lawful for the registering officer, or for any person employed by him for that purpose, to prosecute any person so neglecting to deliver up a plate within twelve calendar months after the expiration of the registration in respect of which such plate was affixed.

17. Every person who shall, for the purpose of deception, use or have any plate resembling or intended to resemble any plate affixed under this Act, shall, for every such offence, be liable to a penalty not exceeding two hundred rupees; and it shall be lawful for any Police Officer, or any person employed for that purpose by the registering officer, to seize and take away any plate, used or had as aforesaid, wheresoever the same may be found, and to deliver the same to the registering officer.

Penalty for fraudulently using counterfeit plate.

PART III.

Drivers' License.

18. It shall be lawful for the registering officer to grant a license to act as driver of hackney carriages to any person who shall apply for the same and to whom it may seem proper to the said officer to grant it: Provided that no person shall be so licensed who is under fourteen years of age. In every such license shall be specified the number of the license, and the name and place of abode, and age of the person to whom such license is granted. Every license shall bear date on the day on which the same shall be granted, and shall continue in force for one year from the date thereof, unless the same shall be sooner revoked. And for each such license a fee of two rupees shall be paid.

Drivers of hackney carriages to be licensed. Particulars thereof.

19. If any person shall act as the driver of a hackney carriage, without having a license in force for the time being, or, having a license, shall transfer or lend the same, or allow the same to be used by any other person, he shall be liable to a penalty not exceeding twenty rupees, and in default of payment, to imprisonment for a period not exceeding one month.

Penalty on driver not having license or lending license.

20. Any owner who shall knowingly suffer any person, not duly licensed under this Act, to act as driver of any carriage registered under this Act, of which he shall be the owner, shall be liable to a penalty not exceeding one hundred rupees for every such offence.

Penalty on owner for suffering unlicensed person to act as driver.

Provided that such owner so employing or knowingly suffering to act as driver any person who has not been duly licensed under this Act shall, and such unlicensed driver shall, be subject to all the powers, provisions, penalties, and proceedings of and under this Act, for any act done or omitted to be done by such driver during such employment, in like manner as if such driver had been duly licensed.

21. The particulars of every license, which shall be granted under the provisions of this Act, shall be entered in books to be kept for that purpose at the office of the said registering officer, and every person applying shall, at all reasonable times, be furnished with a certified copy of such particulars on payment of a fee of two annas.

Certified copies of the particulars of license to be given on payment of fee.

PART IV.

Drivers' Ticket.

22. The registering officer shall, at the time of granting a license to any driver of a hackney carriage of the second and third class, deliver a metal ticket, upon which shall be marked or engraved a number corresponding with the number of his license. Every driver to whom such ticket is delivered, shall, at all times while acting as driver, or while attending before any Magistrate, carry such ticket exposed to view.

Driver to wear a metal ticket.

In case any such driver shall omit to wear such ticket exposed to view while acting as driver or attending before a Magistrate, he shall be liable to a penalty not exceeding ten rupees, and in default of payment to rigorous imprisonment for a period not exceeding one month.

Penalty for omitting to wear ticket.

23. Whenever the writing on any ticket shall become obliterated or defaced so that the same shall not be distinctly legible, and also whenever any ticket shall be proved, to the satisfaction of the registering officer, to have been lost or mislaid, the person to whom the license relating to any such ticket shall have been granted, shall deliver such ticket (if he shall have the same in his possession), and shall produce such license to the registering officer, and such person shall then be entitled to have a new ticket delivered to him,

Driver entitled to have new ticket on loss or obliteration of former one.

upon payment of such sum of money, not exceeding one rupee, as the registering officer shall from time to time appoint;

provided always that if any ticket, which shall have been proved as aforesaid to have been lost or mislaid, shall afterwards be found, the same shall forthwith be delivered to the registering officer.

Penalty for neglecting to deliver up ticket and for wearing defaced ticket.

And every person in or into whose possession any such ticket as last aforesaid shall be or come, who shall refuse or neglect for three days to deliver the same to the said registering officer, and also every person licensed under the authority of this Act, who shall use or wear the ticket granted to him after the writing thereon shall be obliterated, defaced, or obscured, so that the same shall not be distinctly legible, shall, for every such offence, be liable to a penalty not exceeding twenty rupees.

Penalty for neglecting to deliver up ticket, lending ticket, &c.

24. Upon the expiration or other determination of any license granted to a driver under this Act, such driver shall deliver such license, and the ticket relating thereto, to the said registering officer; and every such driver who, after such expiration or determination as aforesaid, shall wilfully neglect for three days to deliver the same to the said officer, and also every person who shall use, or wear, or detain, any ticket which shall have ceased to be in force, or other than such as shall have been delivered to him under the provisions of this Act, and every person to whom any ticket shall have been delivered as aforesaid, who shall lend such ticket to any other person, and every person who shall wear or use the ticket of any other person, shall, for every such offence, be liable to a penalty of twenty rupees, and in default of payment to imprisonment for a period not exceeding one month.

It shall be lawful for the registering officer, or for any person employed by him for that purpose, to prosecute any person so neglecting to deliver up his license or ticket, at any period within twelve calendar months after the expiration of the license.

Penalty for using or having a counterfeit ticket.

25. Every person who shall, for the purpose of deception, use or wear or have any ticket resembling, or intended to resemble, any ticket granted under the authority of this Act, shall, for every such offence, be liable to a penalty not exceeding one hundred rupees. And it shall be lawful for any Police Officer, or any person employed for that purpose by the registering officer, to seize and take away any such ticket, or any ticket used for the purpose of deception as aforesaid, wheresoever the same may be found, and to deliver the same to the registering officer.

26. Whenever any driver shall be summoned to appear before any Magistrate to answer any charge preferred against him under this Act, he shall carry with him his license, and produce the same if required so to do; and any driver who shall on such requisition fail to produce such license, shall, for every such offence, be liable to a fine not exceeding five rupees. It shall be lawful for any Magistrate, on conviction of any driver of any offence under this Act, to endorse on such license the nature of the offence, the date of the conviction, and the amount of the penalty inflicted.

Penalty for failing to produce license. Conviction may be endorsed on license.

27. It shall be lawful for any Magistrate before whom any driver shall be convicted of any offence, whether under this Act or under any other Act, to revoke the license of such driver, or to suspend the same for such time as the Magistrate shall think proper, and for that purpose to require the driver, or any other person in whose possession such license and the ticket thereto belonging shall then be, to deliver up the same; and every driver or other person who, being so required, shall refuse or neglect to deliver up such license and such ticket, or either of them, shall be liable to a penalty not exceeding twenty rupees, so often as he shall be so required and refuse or neglect as aforesaid;

Revocation or suspension of driver's license on his conviction of any offence.

and the Magistrate shall immediately send every license and every ticket delivered up to him under this section to the registering officer, who shall cancel such license if it has been revoked by the Magistrate, or, if it has been suspended, shall, at the end of the time for which it shall have been suspended, re-deliver such license with the ticket (if it shall have come into the possession of the registering officer) to the person to whom it was granted.

Magistrate to send revoked or suspended license to registering officer.

PART V.

Fares, Hiring, and Plying for Hire.

28. The owner or driver of every hackney carriage registered in the second or third class shall be entitled to demand and take for the hire of such carriage the fares set forth in the Schedule A to this Act annexed: provided always, that when the owner or driver of any such hackney carriage, to be paid a fare calculated according to the distance, shall be required by the hirer thereof to stop such carriage for any time or times amounting altogether to not less than fifteen minutes, it shall be lawful for the owner or driver to demand and receive from the hirer so requiring him to stop a further sum

Fares to be paid for carriages of the second and third class.

(above the fare to which he shall be entitled, calculated according to the distance) of one-fourth of the rate for one hour, for every fifteen minutes that he shall have been so stopped; and no owner or driver shall demand or receive, over and above the said fare, any sum for back fare for the return of the carriage from the place at which it was discharged:

Driver to be bound by contract for less payment than is fixed by the Act.

provided also that nothing in this Act contained shall prevent any driver or owner from being bound by any contract into which he may enter, to receive payment at a rate lower than that fixed by this Act.

Owner to keep table of fares inside carriages of second and third class.

29. The owner of every hackney carriage of the second or third class shall put up and at all times keep distinctly printed, painted, or marked in the English, Urdu, and Bengalee languages, in such manner and in such position as shall be directed by the registering officer, on the inside of such carriage, the amount of fare according to distance and time which may legally be demanded and taken from the hirer of such carriage as a hackney carriage, and the owner of every such carriage who shall fail to comply with the provision of this section, shall, for each offence, be liable, on conviction, to a fine not exceeding ten rupees.

To what distance driver to be bound to drive.

30. The driver of every carriage of the second and third class registered under this Act, shall (unless he have a reasonable excuse to be allowed by the Magistrate before whom the matter shall be brought in question) drive such carriage to any place to which he shall be required by the hirer thereof to drive the same, not exceeding six miles from the place where the same shall have been hired.

Rate of speed.

Provided always that when any such carriage shall have been hired by time, the driver thereof shall drive the same at a rate not less than four miles within one hour; and if the driver of such carriage shall be required to drive more than four miles within one hour, then in every such case the driver thereof shall be entitled to demand, in addition to the fare regulated by time in Schedule A to this Act annexed, for every mile or any part thereof exceeding four miles, the fare regulated by distance as set forth in the same Schedule.

Penalty.

Any such driver who shall not drive his carriage at the rate required as aforesaid, except in cases of unavoidable delay, or who shall refuse or omit to drive the same to any place within the limits aforesaid to which he may be required to drive by the hirer, shall be liable to a penalty not exceeding ten rupees, or, in default, to rigorous imprisonment for a period not exceeding one month.

First and second class carriage to carry reasonable quantity of luggage.

31. The driver of every first and second class carriage registered under this Act, shall carry in or upon such carriage a reasonable quantity of luggage for every person hiring such carriage, without any additional charge.

Penalty for refusing to let a carriage for hire.

32. Any owner or person in charge of any hackney carriage registered under this Act, who shall, without sufficient reason, refuse to let such carriage for hire, shall be liable on conviction to a fine not exceeding fifty rupees, and to pay such further sum by way of compensation to the party complaining as to the Magistrate, who shall hear the case, may seem just; and such further sum shall, in default of immediate payment, be levied in the mode provided for the levying of fines under this Act.

And when any such hackney carriage shall be standing on any premises, which under this Act may have been declared to be a public stand, the owner of the said premises shall be deemed to be the person in charge of such hackney carriage within the meaning of this section.

Penalty in case of drunkenness or misconduct of driver in loitering, refusing to be hired, demanding more than his fare, &c.

33. Every driver of a hackney carriage, who shall be drunk during his employment, or make use of insulting or abusive language or gesture;

or who shall (elsewhere than at some stand or other place appointed for the purpose) stand or loiter, for the purpose of being hired, in or upon any public street, road, or place;

or who shall suffer his carriage to stand for hire across any street, or alongside of any other carriage, or who shall refuse to give way (when he reasonably and conveniently may do so) to any other carriage;

or who shall wilfully obstruct or hinder the driver of any other carriage in taking up or setting down any person into, or from, such other carriage;

or who shall wrongfully prevent, or endeavour to prevent, the driver of any other carriage from being hired;

or who shall demand or take more than the proper fare to which he is legally entitled;

or who shall refuse to admit and carry in his carriage the number of persons painted or marked on such carriage or specified in the register, or who shall carry more than such number of passengers;

or who shall refuse to carry by his carriage a reasonable quantity of luggage as provided for by this Act;

or who, being hired by time, shall, before he has been discharged by the hirer, desert from the hiring ;

or who shall ply for hire with any carriage or horse which shall be at the time unfit for public use,

shall be liable to a penalty not exceeding ten rupees, and, in default of payment, to rigorous imprisonment for a period not exceeding one month.

Penalty on drivers absenting themselves from their employment.

34. Any driver employed as such by the owner of any carriage registered under this Act, who shall, without sufficient excuse, refuse or neglect to attend at the premises of such owner for the purpose of driving any such carriage, whereby such owner is prevented from letting out the same, shall, on complaint by such owner, be liable, for each offence, to a fine not exceeding ten rupees (which, or any part of which, may, by order of the Magistrate, be paid to the owner as compensation), and in default of payment, to rigorous imprisonment for a term not exceeding one month.

Proprietors of carriages may be summoned to appear and produce the drivers.

35. When a complaint is made before a Magistrate against the driver of a carriage registered under this Act for any offence committed by him against the provisions of this Act, such Magistrate may forthwith summon the owner of the carriage personally to appear, and to produce the driver of such carriage to answer the complaint. If such owner, being duly summoned, shall, without a reasonable excuse, neglect or refuse personally to appear, or to produce the driver, according to such summons, he shall be liable to a penalty not exceeding fifty rupees, and so from time to time as often as he shall be so summoned, until such driver shall be produced by him.

When complaint may be heard in absence of owner or driver.

Provided that, if such owner shall, without a reasonable excuse, neglect or refuse to appear and produce such driver on the second or any subsequent summons requiring him so to do, it shall be lawful for the Magistrate to proceed to hear and determine the complaint in the absence of the owner and driver or either of them.

Penalty for refusing to pay legal fare and evading payment thereof.

36. If any person who shall have hired a carriage registered under this Act, shall refuse to pay to the owner or driver thereof, on demand, the fare payable under this Act, it shall be lawful for the Magistrate who shall hear the case to order payment of such fare, and also of such compensation for loss of time as shall seem reasonable; and, in default of payment, such fare and compensation may be recovered in the same way as fines are recoverable under this Act; and if any hirer, who shall have used any such carriage, shall

attempt to evade payment of his fare, he shall be liable, on conviction, to a fine not exceeding fifty rupees, or to imprisonment for a period not exceeding one month, in addition to the payment of such fare and compensation as hereinbefore mentioned.

Penalty for destroying, &c., table of fares.

37. Any person who shall maliciously or knowingly tear, destroy, or remove any table of fares which shall have been put up under the provisions of section twenty-nine of this Act, shall be liable on conviction to a fine not exceeding twenty rupees, and any portion of such last mentioned fine may be awarded to the owner of the hackney carriage to which such table of fares shall have been affixed.

Penalty for wilful injury to carriage.

38. Any person using a carriage registered under this Act, who shall wilfully injure the same, shall be liable on conviction to a fine not exceeding twenty rupees, and shall also pay to the owner of the carriage compensation for the injury. The amount of such compensation shall be determined by the convicting Magistrate, and may be recovered in the same way as fines are recoverable under this Act.

Disputes how to be settled.

39. In case of any dispute between the hirer and driver of any hackney carriage of the second or third class, registered under this Act, the hirer may, if any Magistrate be then sitting, require the driver to drive to the Court of such Magistrate; and if any driver shall refuse to obey such requisition, it shall be lawful for the hirer to give such driver into the custody of the nearest Police Officer. Such Police Officer shall thereupon take the driver and hirer, together with the carriage and horses, to such Court, and the then sitting Magistrate shall, in either of the cases aforesaid, hear and determine the dispute in a summary way.

Table of distances signed by registering officer conclusive.

40. In the case of disputes as to the fare to be calculated according to the distance, any table or book signed by the registering officer shall, on proof of such signature, be taken to be conclusive evidence of all the distances therein stated to have been ascertained by the said officer.

Second and third class carriages may ply as stage carriages.

41. It shall be lawful for any hackney carriage of the second or of the third class to ply for hire as a stage carriage. The owner or driver of a carriage so plying for hire, or hired as a stage carriage, shall not be subject to the provisions of section twenty-eight of this Act, but shall be entitled to demand and take for the hire of such carriage, such fares as shall be agreed upon between him and the several hirers respectively. All the other provisions of this Act shall be applicable to the case of a hackney carriage plying as a stage carriage, so far as the same shall be applicable in each particular instance.

Stands to be fixed.

42. The registering officer shall from time to time appoint one or more stands in the Town and Suburbs of Calcutta for carriages registered under this Act, and may also assign for the use of such carriages, as public stands, any coach houses, or stables or sheds, or other suitable places. Every public stand so appointed or assigned shall have a board affixed in a conspicuous place in front thereof, containing a notice in the English, Urdu, and Bengalee languages, that the stand is a public stand under this Act.

PART VI.

PALANKEENS.

Registration of palankeens.

43. Every palankeen plying for hire within the Town or Suburbs of Calcutta shall be annually registered by the officer appointed for registering hackney carriages at the time and in the manner hereinbefore provided with respect to the registration of hackney carriages; and upon each registration a fee of eight annas shall be paid; provided that the registering officer may refuse to register any palankeen, or may cancel the registration thereof, whenever it may appear to him to be unserviceable or unfit for public use.

Particulars to be entered in register.

44. The following particulars shall be entered in the register, namely, the number of the palankeen, and the name and residence of the owner; and every change of ownership or residence shall be notified to the registering officer, subject to the same provisions and penalties in default as are provided in the [illegible] of the owners of hackney carriages.

Number must be painted on palankeen.

45. The owner of every registered palankeen shall cause the registered number thereof to be painted in English and Bengalee figures on a conspicuous part thereof.

Penalty in case of neglect to register, or omission to have number painted.

The owner of any palankeen plying for hire without being registered or having the number affixed thereto as aforesaid, shall be liable to a penalty not exceeding ten rupees.

The person in whose name a palankeen is for the time being registered, shall be deemed the owner thereof for the purposes of this Act.

Table of fares must be exhibited in palankeen.

46. The owner of every palankeen shall put up, and at all times keep distinctly printed, painted, or marked, in the English, Urdu, and Bengalee languages, in such manner and in such position as shall be directed by the registering officer, on the inside of such palankeen the amount of fare, according to distance and time, which may be legally demanded and taken from the hirer of such palankeen.

Fares for palankeens.

47. The owner or person in charge of every palankeen shall be entitled to demand and take for the hire of such palankeen the fares set forth in the Schedule B to this Act annexed; provided that, when the owner or person in charge of any such palankeen, to be paid a fare calculated according to the distance, shall be required by the hirer thereof to stop such palankeen for fifteen minutes, or for any longer time, it shall be lawful for the owner or person in charge to demand and receive from the hirer so requiring him to stop, a further sum (above the fare to which he shall be entitled, calculated according to the distance) of one-fourth of the rate for one hour, for every fifteen minutes that he shall have been so stopped; and no owner or person in charge shall demand or receive, over and above the said fare, any sum for back hire for the return of the palankeen from the place at which it was discharged;

Owner to be bound by contract for less payment than is fixed by Act.

Provided, also, that nothing in this Act contained shall prevent any owner or person in charge from being bound by any contract into which he may enter, to receive payment at a rate lower than that fixed by this Act.

Registry of palankeen bearers, and provisions relating to them.

48. It shall not be lawful for any person to act as the bearer of a registered palankeen, unless such person shall have obtained a license from the registering officer in manner hereinbefore prescribed for drivers of hackney carriages; and all the provisions of this Act in any way relating to the taking out, granting, renewing, or producing the licenses, or to the issuing, granting, wearing, or using tickets granted to drivers of hackney carriages, shall be applicable in like manner to the bearers of palankeens. For every license to act as a palankeen bearer, granted under this Act, there shall be paid a fee of eight annas.

To what distance and at what rate of speed bearers of palankeen bound to go.

49. The bearers of every palankeen registered under this Act shall (unless they have a reasonable excuse to be allowed by the Magistrate before whom the matter shall be brought in question) carry such palankeen to any place to which they shall be required by the hirer thereof to carry the same, not exceeding five miles from the place where the same shall have been hired. If such palankeen shall have been hired by time, the bearers thereof may be required to carry it at any rate not exceeding two and a half miles within one hour.

Additional fare for greater rate of speed.

Whenever the bearers of such palankeen shall be required to carry it more than two and a half miles within one hour, they shall be entitled to demand, in addition to the fare regulated by time in the said Schedule B, for every mile or any part thereof exceeding two and a half miles, the fare regulated by distance as set forth in the same Schedule.

All and every the provisions of this Act, as to offences committed by or against the owners and drivers of hackney carriages, and the penalties in respect of the same and recovery thereof, and all the remedies by or against hirers, owners, or drivers of hackney carriages, and all and several the remedies given to hirers, owners, and drivers of hackney carriages, except the provisions contained in section thirty-five, shall be applicable, so far as the same may reasonably be applied, to the owners and bearers of palankeens.

Owners and bearers of palankeens liable to penalties for which owners and drivers of hackney carriages are liable.

PART VI.

MISCELLANEOUS.

50. The driver of every hackney carriage and bearers of every palankeen within the limits of this Act, wherein any property shall be left by any person, shall, within twenty-four hours, carry such property, if not sooner claimed by the owner thereof, to the nearest Police Station, and shall there deposit and leave the same with the Inspector or other officer on duty. And any such driver or bearer making default herein shall be liable to a penalty not exceeding fifty rupees.

Property left in carriages or palankeens to be deposited at the Police Office.

And the said officer with whom any such property shall be deposited, shall forthwith enter in a book, to be kept for that purpose, the description of such property, and the name and address of the driver or bearer who shall bring the same, and the day on which it shall be brought, and the property so entered shall be returned to the person who shall prove to the satisfaction of the Commissioner of Police that the same belonged to him, such person previously paying all expenses incurred, together with such reasonable sum to the driver or bearers who brought the same as the said Commissioner shall award.

Description of property to be entered in a book.

Provided always that, if such property shall not be claimed by and proved to belong to some one within one year after the same shall have been deposited, the said Commissioner shall cause such property to be sold or otherwise disposed of, and the proceeds after deducting the expenses, together with a reasonable sum to the driver or bearers, shall be applied in the same manner as fees and penalties received under this Act.

Property may be sold if not claimed within a year.

51. All complaints as to offences against this Act shall be heard and determined by a Magistrate within whose local jurisdiction the offence may be alleged to have been committed; and the provisions for the recovery of fines contained in section

Adjudication of penalties.

307 of the Code of Criminal Procedure shall apply to all fines and penalties imposed under this Act by any Magistrate in the suburbs of Calcutta, or in any town or place to which this Act shall be extended, as hereinafter provided; and the provisions of Act IV of 1866, passed by the Lieutenant-Governor of Bengal in Council, entitled "the Calcutta Police Act, 1866," or any other Act for regulating the Police of the Town of Calcutta in force for the time being, shall apply to all fines and penalties imposed under this Act by any Magistrate of Police for the Town of Calcutta.

Disposal of penalties and fees.

All penalties and fees to be levied under this Act shall be disposed of in such manner as the Lieutenant-Governor of Bengal from time to time shall direct.

Amends for frivolous complaints.

52. In every case in which any complaint of any offence under this Act shall be laid or made before any Magistrate and shall not be further prosecuted, or in which, if further prosecuted, it shall appear to the Magistrate by whom the case shall be heard that there was no sufficient ground for making the complaint, the Magistrate shall have power to award such amends not exceeding twenty rupees to be paid by the complainant to the person complained against, or to the owner of a carriage, if summoned under section thirty-five of this Act, or to both, for their loss of time and expenses in the matter, as to the Magistrate shall seem meet. Such amends shall be recoverable in the manner provided for levying fines under this Act.

Interpretation clause.

53. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction (that is to say) :—

"Magistrate."

The word "Magistrate" in this Act shall mean any Magistrate of Police for the Town of Calcutta, and any person lawfully exercising the full powers of a Magistrate in the Suburbs of the said Town or in any town or place to which this Act shall be extended, as hereinafter provided, and any Assistant to a Magistrate or Deputy Magistrate specially authorized by Government to exercise in the said Suburbs, Town, or place, the powers vested by this Act in a Magistrate.

"Hackney Carriage."

The words "Hackney Carriage" in this Act shall mean any carriage used or intended to be used for conveying passengers for hire from any place in the Town of Calcutta or the Suburbs thereof. Provided always that the term "Hackney Carriage" shall not include any carriage used wholly upon any railway.

---

* Act X of 1872, section 2, para 5 Schedule V.

"Stage Carriage."

The words "Stage Carriage" in this Act shall mean any hackney carriage, the passengers in which shall be charged, or shall pay, separate and distinct fares, or shall be charged, or pay, at the rate of separate and distinct fares, for their respective places or seats therein, or conveyance thereby.

"Horse."

The term "Horse" shall include mules and ponies.

Number.

Words importing the singular number shall include the plural number and words importing the plural number shall include the singular number.

Gender.

Words importing the masculine gender shall include the feminine.

Power to extend the Act.

54. It shall be lawful for the Lieutenant-Governor of Bengal by a notification to be published in the *Calcutta Gazette*, to extend the provisions of this Act to any other towns or places within the provinces under his control.

The Act has been extended to Howrah, *Calcutta Gazette*, 1866, p. 1044; to Monghyr, *ibid.*, 1867, p 1070; to Serampore, Hooghly, and Chinsurah, *ibid.*, 1868, p. 2012; to Cantonment of Barrackpore, *ibid.*, 1869, p. 787; to town of Burdwan, *ibid.*, 1870, p. 1292; to town of Sooree and railway feeders connecting it with Synthea and Ahmedpore, in the district of Beerbhoom, *ibid.*, 1871, p. 2080; to town of Bydiabatty, in district of Hooghly, *ibid.*, 1877, p. 101; to Cantonment of Dinapore, *ibid.*, p. 1047.

SCHEDULE A.

(*See section* 28)

Rates and Fares to be paid for Hackney Carriages of the Second and Third Classes

Description of Carriage.	Fare by Distance.		Fare by Time.			
	For any distance within and not exceeding one mile.	For any distance exceeding one mile	For any time within and not exceeding one hour.	For every hour or part of an hour beyond one hour.	For half a day, or five hours.	For a whole day consisting of nine hours.
ond ...	6 Annas ...	After the rate of 4 Annas for every mile and for any part of a mile over and above any number of miles completed.	12 Annas ..	6 Annas	2 Rupees...	3 Rupees.
Third Class	3 Annas ...	After the rate of 2 Annas for every mile and for any part of a mile over and above any number of miles completed.	6 Annas ...	3 Annas ..	1 Rupee	1 Re 8 As.

The above fares to be paid according to distance or time, at the option of the hirer, to be expressed at the commencement of the hiring, if not otherwise expressed, the fare to be paid according to time.

SCHEDULE B.

(*See section 47.*)

Rates and Fares to be paid for Palankeens.

FARE BY DISTANCE.		FARE BY TIME.			
For any distance within and not exceeding one mile	For any distance exceeding one mile	For any time within and not exceeding one hour.	For every hour or part of an hour beyond one hour.	For half a day, or five hours.	For a whole day consisting of nine hours.
3 Annas ...	After the rate of 3 Annas for every mile and for any part of a mile over and above any number of miles completed.	6 Annas ...	3 Annas ...	1 Rupee ...	1 Re. 8 As.

The above fares to be paid according to distance or time, at the option of the hirer, to be expressed at the commencement of the hiring; if not otherwise expressed, the fare to be paid according to time.

ACT No. II OF 1867.

(*Received the assent of the Lieutenant-Governor on the 20th March* 1867, *and of the Governor-General on the 1st April* 1867.)

An Act to provide for the punishment of public gambling and the keeping of common gaming-houses in the territories subject to the Lieutenant-Governor of Bengal.

Preamble.

WHEREAS it is expedient to make provision for the punishment of public gambling and the keeping of common gaming-houses in the territories subject to the Lieutenant-Governor of Bengal; It is enacted as follows :—

Definition of "Common Gaming-house."

1. In this Act—"Common gaming-house" means any house, tent, room, space, or walled enclosure, in which cards, dice, tables, or other instruments of gaming are kept or used for the profit or gain of the person owning, occu-

pying, using, or keeping such house, tent, room, space or enclosure, whether by way of charge for the use of the instruments of gaming or of the house, enclosure, room, or place, or otherwise howsoever.

Gender.

Words importing the masculine gender shall include the feminine.

Number.

Words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Power to extend Act.

2. It shall be competent to the Lieutenant-Governor of Bengal, whenever he may think fit to extend, by a notification to be published in three successive numbers of the *Calcutta Gazette*, all or any of the sections of this Act, to any city, town (save the town of Calcutta as defined by the *Calcutta Municipal Consolidation Act, 1876), or place within the territories subject to his government, and in such notification to define, for the purposes of this Act, the limits of such city, town, or place, and from time to time to alter the limits so defined.

The Act has been extended to Purneah, *Calcutta Gazette*, 1867, p. 1822; to Kishnagur, *ibid.*, p 1874; to Patna *ibid.*, 1868, p. 283; to Santipore, *ibid.*, p 340; to Burdwan and Culna, *ibid.*, p. 1016; to Dinapore Nizamut Chowkeydaree Union, *ibid.*, p. 1058; to Hazareebagh, *ibid*, p. 1324; to Sahibgunge and Burhait, *ibid.*, p. 1851; section 11 only to Hooghly, Chinsurah, and Serampore, *ibid.*, 1869, p. 5; to Moorshedabad, *ibid.*, p. 137; Cox's Bazar, *ibid.*, p. 179; to Ranathat, *ibid* p. 788; to Maldah, *ibid.*, p. 1291; to Dinagepore, *ibid.*, p. 1981; to Rajmahal, *ibid.*, p. 2007; to Cuttack, *ibid.*, p. 2132; to Jungipore and Balighatah in Moorshedabad, *ibid.*, p. 2042; to Puruliah, *ibid.*, 1870, p. 423; to Kooshtea, *ibid.*, p. 510; to Dacca, *ibid.*, p. 1154; to Jessore, *ibid*, p. 1551; to Municipal Unions of Takee, Busseerhaut, Colingah and Gobardangah, and to Monghyr and Jamalpore, *ibid.*, p. 1855; to Bhagulpore. *ibid.*, 1871, p 77; to Barh in the district of Patna, *ibid.*, p. 416; to certain villages between Dinapore and Patna, *ibid.*, p. 1610; to certain villages in the 24-Pergunnahs, *ibid.*, p. 1731; to Agurparah and Nowabgunge. in the 24-Pergunnahs, *ibid.*, p 1859; to Nyehatty, *ibid.*, pp. 1951, 2035; to Chuprah, *ibid.*, p. 2058; to Arrah, *ibid.*, 1872, p. 102; list of towns to which Act had been extended, *ibid.*, pp. 2343, 2361 and 2389; to Bauleah and Nattore, *ibid.*, p. 2441; to the Khogowl Union in the district of Patna, *ibid.*, July to December, p. 64; to Silchar, *ibid.*, p. 129; to Comercolly, *ibid.*, p. 146; to Bancoorah, *ibid.*, p. 217; to Serajgunge, *ibid.*, January to June 1873, p. 201; to Rughoonathpore, *ibid.*, p. 324; to Poorce, *ibid.*, July to December 1873, p. 979; to certain roads, towns, and villages in the Serampore sub-district, *ibid.*, p. 1016; to Midnapore, except sections 7 and 11, *ibid.*, 1874, p. 471; to Pubna, *ibid.*, p. 1000; to Burrisal, *ibid.*, p. 1468; to Berhampore, Moorshedabad, Baloochur, Azimgunge, Jungipore and Balughata, *ibid.*, p 1596; to certain towns in the 24 Pergunnahs, *ibid.*, p. 1661; section 11 to Midnapore, *ibid.*, 1875, p. 154; to certain villages in sub-division of Bongong in the district of Nuddea, *ibid.*, p. 542; to Jhalda Union, *ibid*, p. 638; to Bograh and Sherepore, *ibid.*, 1876, p. 33; to Raneegunge, *ibid.*, p. 146; to Hooghly, *ibid.*, p 822; to Bankoora, *ibid.*, pp. 933, 934; to Ooterparah, *ibid.*, p. 1109; to Kheerpoy, *ibid.*, p. 1433; to Tumlook. Ramjibanpore, and Chunderkona, *ibid.*, p. 1491; to Ruthgorah Bazar in Moyeadal in district of Midnapore, *ibid.*, 1877, p. 47; to certain tracts in Midnapore district, *ibid*, p. 390; to Municipality of Doomraon and Union of Bhojepore in Shahabad district, *ibid.*, p. 535; to a portion of Mymensingh road north of Dacca *ibid.*, p. 683; section 11 to Naraingunge, *ibid.*, p. 747; to Municipality of Durbhungah, *ibid.*, p. 1400; to certain places in district of Bankoora, *ibid.*, 1878, p. 60; to the Union of Jehanabad, *ibid.*, p 304; to certain lands in the district of Bankoora, *ibid.*, p. 287.

Some of the notifications in the *Calcutta Gazette* refer by mistake to section 16 instead of section 2 of the Act. A conviction under the Act was set aside, the notification extending the Act to Jungipore not having been published in three successive numbers of the *Calcutta, Gazette*—QUEEN *v.* ZOHUR SHEIK AND OTHERS, W. R., Cr., 41. This was accordingly done in the case of all places to which the Act had been extended, see *Calcutta Gazette*, 1872, pp. 2343, 2361, and, 2889. The Act has been again extended to Jungipore and Balighatah, *Calcutta Gazette*, 1874, p. 1596.

* Bengal Act IV of 1876, section 2. para. 4.

The powers of the local Government under this section have been delegated to the Chief Commissioner of Assam, *Gazette of India*, 1874, p. 182. The Act has been extended by the Assam Government to the town of Goalpara, *Assam Gazette*, 1875, p. 557; to the town of Sylhet, *ibid.*, 1876, p. 297; to the town of Jaintiapur in Sylhet, *ibid.*, p. 416.

Penalty for owning or keeping, or having charge of a gaming-house.

3. Whoever, being the owner or occupier, or having the use of any house, tent, room, space, or walled enclosure, situate within the limits to which this Act applies, opens, keeps, or uses the same as a common gaming-house;

and whoever, being the owner, or occupier of any such house, tent, room, space, or walled enclosure, as aforesaid, knowingly or wilfully permits the same to be opened, occupied, used, or kept by any other person as a common gaming-house;

and whoever has the care or management of, or in any manner assists in conducting the business of, any house, tent, room, space, or walled enclosure, as aforesaid opened, occupied, used, or kept for the purpose aforesaid;

and whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, tent, room, space, or walled enclosure,

shall be liable, on conviction before any Magistrate, to a fine not exceeding two hundred rupees, or to imprisonment of either description, as defined in the Indian Penal Code, for any term not exceeding three months.

Penalty for being found in a gaming-house.

4. Whoever is found in any such house, tent, room, space, or walled enclosure playing or gaming with cards, dice, counters, money, or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake, or otherwise, shall be liable, on conviction before any Magistrate, to a fine not exceeding one hundred rupees, or to imprisonment of either description as defined in the Indian Penal Code, for any term not exceeding one month; and any person found in any common gaming-house during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

Power to enter and authorize Police to enter and search.

5. If the Magistrate of a District, or other officer invested with the full powers of a Magistrate, or the District Superintendent of Police, upon credible information, and after such enquiry as he may think necessary, has reason to believe that any house, tent, room, space, or walled enclosure is used as a common gaming-house,

he may either himself enter, or by his warrant authorize any officer of Police, not below such rank as the Lieutenant-Governor shall appoint in this behalf, to enter with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, tent, room, space, or walled enclosure, and may either himself take into custody, or authorize such

officer to take into custody, all persons whom he or such officer finds therein, whether or not such persons may be then actually gaming;

and may seize or authorize such officer to seize all instruments of gaming, and all moneys and securities for money, and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming which are found therein;

and may search or authorize such officer to search all parts of the house, tent, room, space, or walled enclosure which he or such officer shall have so entered, when he or such officer has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he or such officer so takes into custody;

and may seize or authorize such officer to seize and take possession of all instruments of gaming found upon such search.

Finding cards, &c., in suspected houses to be evidence that such houses are common gaming-houses.

6. When any cards, dice, gaming-table, cloth, boards, or other instruments of gaming are found in any house, tent, room, space, or walled enclosure entered or searched under the provisions of the last preceding section, or about the person of any of those who are found therein, it shall be evidence, until the contrary is made to appear, that such house, tent, room, space, or walled enclosure, is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Magistrate or Police Officer, or by any person acting under the authority of either of them.

Penalty on person arrested for giving false name and address.

7. If any person found in any common gaming-house entered by any Magistrate or officer of Police under the provisions of this Act, upon being arrested by any such officer, or upon being brought before any Magistrate, on being required by such officer or Magistrate to give his name and address, shall refuse or neglect to give the same, or shall give any false name or address, he may, upon conviction before the same or any other Magistrate, be adjudged to pay any penalty not exceeding five hundred rupees, together with such costs as to such Magistrate shall appear reasonable, and on the non-payment of such penalty and costs, or in the first instance if to such Magistrate it shall seem fit, may be imprisoned for any period not exceeding one month.

On conviction for keeping a gaming-house, instruments of gaming to be destroyed.

8. On conviction of any person for keeping or using any such common gaming-house, or being present therein for the purpose of gaming, the convicting Magistrate may order all the instruments of gaming found therein to be destroyed, and may also order all or any of the securities for money, and other articles seized, not being instruments of gaming, to be

sold and converted into money, and the proceeds thereof, with all moneys seized therein, to be forfeited; or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

Proof of playing for stakes unnecessary.

9. It shall not be necessary, in order to convict any person of keeping a common gaming-house, or of being concerned in the management of any common gaming-house, to prove that any person found playing therein at any game was playing for any money, wager, or stake.

Act not to apply to certain games.

10. Nothing in the foregoing provisions of this Act contained shall be held to apply to billiards, whist, or any other game of mere skill wherever played.

Gaming and setting birds and animals to fight in public streets.

11. A Police Officer may apprehend without warrant any person found playing for money or other valuable thing with cards, dice, counters, or other instruments of gaming, used in playing any game not being a game of mere skill, in any public market, fair, street, place, or thoroughfare situated within the limits aforesaid, or any person setting any birds or animals to fight in any public market, fair, street, place, or thoroughfare situated within the limits aforesaid, or any person there present aiding and abetting such public fighting of birds and animals.

Penalty and destruction of instruments of gaming found in public streets.

Such person, when apprehended, shall be brought without delay before a Magistrate, and shall be liable to a fine not exceeding fifty rupees, or to imprisonment, either simple or rigorous, for any term not exceeding one calendar month, and such Police Officer may seize all birds and animals and instruments of gaming found in such public place or on the person of those whom he shall so arrest, and the Magistrate may, on conviction of the offender, order such instruments to be forthwith destroyed, and such birds and animals to be sold.

Offences by whom triable.

12. Offences punishable under this Act shall be triable by any Magistrate having jurisdiction in the place where the offence is committed. But such Magistrate shall be restrained within the limits of his jurisdiction under the Code of Criminal Procedure as to the amount of fine or imprisonment he may inflict.

Penalty for subsequent offence.

13. Whoever, having been convicted of an offence punishable under this Act, shall be guilty of any such offence, shall be subject for every such subsequent offence to double the amount of punishment to which he would otherwise have been liable for the same: provided that he shall not be liable in any case to a fine exceeding six hundred rupees, or to imprisonment for a term exceeding one year.

Recovery and application of fines.

14. The provisions for the recovery of fines contained in sections 64, 65, 66, and 67 of the Indian Penal Code, and *section 307 of the Code of Criminal Procedure, shall apply to all fines and penalties imposed under this Act in any town or place other than the Town of Calcutta; and such fines shall (subject to the provisions contained in the last preceding section) be applied as the said Lieutenant-Governor shall from time to time direct. And the provisions of Act IV of 1866 passed by the Lieutenant-Governor of Bengal in Council, and of every other Act for regulating the Police of the Town of Calcutta for the time being in force, shall apply to all fines and penalties imposed under this Act by any Magistrate of Police for the Town of Calcutta.

Offences under this Act to be offences within meaning of Penal Code.

15. Anything made punishable by this Act shall be deemed to be an "offence" within the meaning of the Indian Penal Code.

Certain sections of Act to apply without extension.

16. The provisions of sections seven and eleven of this Act shall, from and after the passing of this Act, apply to the Town of Calcutta, and to the Suburbs of the Town of Calcutta, as the same may be from time to time defined by any notification published by the Lieutenant-Governor in pursuance of Act II of 1866 passed by the Lieutenant-Governor of Bengal in Council; and the provisions of section thirteen of this Act shall, from and after the passing of this Act, apply to the whole of the said territories.

Immediate and prospective repeal of certain sections of Bengal Acts II and IV of 1866

17. From and after the passing of this Act the provisions of section 32 of Act II of 1866 passed by the Lieutenant-Governor of Bengal in Council, and of section 52 of Act IV of 1866 passed by the same authority, shall stand and be repealed; and from and after any extension of this Act to the suburbs of the Town of Calcutta, the provisions of sections 25, 26, 27, 28, 29, and 30 of the said Act II of 1866, shall stand and be repealed.

ACT No. III OF 1867.

(*Received the assent of the Lieutenant-Governor on the 20th March 1867, and of the Governor-General on the 30th April 1867.*)

An Act to amend the law relating to Ships lying in Ports in the Provinces under the control of the Lieutenant-Governor of Bengal.

Preamble.

WHEREAS it is expedient to amend the law relating to Merchant Ships lying in Ports in the Provinces under the control of the Lieutenant-Governor of Bengal; It is enacted as follows:—

---

* Act No X of 1872, section 2, para. 5, Schedule V.

Interpretation.

1. The following words and expressions for the purposes of this Act have the meanings hereby assigned to them, unless where a contrary intention appears from the context, that is to say—

"Master."

The word "Master" denotes any person having temporary or permanent command or charge of any vessel otherwise than in the capacity of pilot or harbour master.

"Owner."

The word "Owner" includes any agent acting for and on behalf of the owner of a ship at the port at which such ship shall lie or be.

"Port."

The word "Port" denotes any port within the provinces aforesaid subject to the provisions of the *Indian Ports Act, 1875.

"Magistrate."

The word "Magistrate" includes any officer exercising any of the powers of a Magistrate under the Code of Criminal Procedure, and any Magistrate of Police for the Town of Calcutta.

"Municipal Town."

The expression "Municipal Town" denotes the Town of Calcutta and every town, suburb, station, bazar, village, and tract of country to which the provisions of †Act III of 1864, (*The District Municipal Improvement Act*) passed by the Lieutenant-Governor of Bengal in Council, have been or shall be extended.

Number.

Words importing the singular number include the plural, and words importing the plural number include the singular.

Penalty for not having a sufficient crew on board vessels lying in port.

2. If any vessel of more than ten tons' burden shall, without such license as hereinafter is mentioned, be afloat in any port within the provinces under the control of the Lieutenant-Governor of Bengal, without having on board thereof a crew of not less than the number set forth in the first Schedule hereto, the master of such vessel, and in case there shall be no master of such vessel, then the owner thereof, shall be punished with a fine not exceeding five hundred rupees.

Power to grant exemption from maintaining crew on board particular ships.

3. Whenever it shall appear to the Conservator of any port that any vessel in such port may, without danger to other vessels in such port, be afloat without such crew as hereinbefore is mentioned being maintained thereon, it shall be lawful to such Conservator, if he shall think fit,

* Act No. XII of 1875, section 3, para 3.
† Bengal Act V of 1876, section 2, para. 4, and section 3, para. 1.

to grant under his hand a license in the Form A in the second Schedule hereto, which license may be made determinable on the breach of any conditions therein contained; and during the continuance of such license, the provisions of section two of this Act shall not apply to such vessel.

Power to revoke exemption.

4. It shall be lawful for such Conservator, by any writing under his hand in the Form B in the second Schedule hereto, to revoke such license; and from and after the publication of such revocation, by posting a copy thereof upon some conspicuous part of such vessel, the provisions of section two of this Act shall apply to such vessel and to the master and owner thereof, as if no such license had ever been granted.

Power to make order with respect to portions of ports.

5. Whenever it shall appear to the Conservator of any port that any creek, river, or dock is so situate that vessels without any crew therein may remain afloat in such creek, river, or dock, without danger to any vessels in any part of such port, it shall be lawful for such Conservator to make an order in the Form C, in the second Schedule hereto, and from time to time, if he shall think fit, to revoke or amend such order. Provided always that every such order, amendment, and revocation shall be published in the *Calcutta Gazette*, and that no such order, amendment, or revocation shall have any force or effect until it shall have been so published.

During continuance of order, ships in such portions of ports to be exempt from necessity of maintaining crews.

6. During such time as any such order shall remain in force, the provisions of section two of this Act shall not apply to any vessel lying or being within the limits of any such creek, river, or dock, as the same shall be defined by such order.

7. [*Repealed by Act No. XII of* 1875.]

Power to charge Port Police upon Port Fund.

8. It shall be lawful for the Lieutenant-Governor of Bengal to order (if and when he shall in his discretion think fit) that the entire or any portion of the expense of maintaining the Police Force in any port which may be within or abutting upon any Municipal Town shall be borne by and paid out of the Port Fund of such port.

Power to charge upon Port Fund a portion of expense of Municipal Police.

9. It shall be lawful for the Lieutenant-Governor of Bengal, from time to time, to assign to the persons charged with the management of the Municipal Fund of any Municipal Town upon which any port may be abutting, or within which any port may be, such annual sums to be charged upon and payable out of the Port Fund of such port as to him shall seem just and reasonable for or towards reimbursing to such Municipal Fund such portion of the expense of the Police Force in such town as may, in the

opinion of the said Lieutenant-Governor of Bengal, be rendered necessary by the resort to such town of seamen from ships lying or being in such port.

Power to impose Police Port-dues.

10. In case the Port Fund of any port shall, after providing for the payment of all sums and charges now by law payable out of such Port Fund, be insufficient to pay any expense of Police and annual sums which shall, under the provisions aforesaid, be payable thereout, it shall be lawful for the said Lieutenant-Governor of Bengal, and he is hereby required, to order that there shall be paid, in addition to all port-dues and charges payable in respect of any ship from time to time lying or being in such port, such port-dues to be called Police Port-dues, as shall thereunto be necessary. Provided that the same shall not exceed the port-dues in that behalf mentioned in the third Schedule to this Act.

11, 12, 13. [*Repealed by Act No. XII of* 1875.]

Power to compound port-dues.

14. It shall be lawful for the owner of any vessel to pay to the Conservator of any port three times the amount of the Police Port-dues and Hospital Port-dues which would, for the time being, be payable in respect of such vessel, and thereby to discharge such vessel from all further Police Port-dues and Hospital Port-dues in such port for the space of twelve calendar months from the day of the date of such payment.

Power to vary port-dues.

15. It shall be lawful for the Lieutenant-Governor of Bengal, from time to time, to vary the rate of Police Port-dues and Hospital Port-dues payable in any port, as to him in his discretion shall seem fit, so as that the same shall not exceed the rates in the third Schedule respectively set forth.

Imposition or increase of port-dues to be published.

16. No order of the Lieutenant-Governor of Bengal, imposing or increasing any port-dues under this Act, shall take effect, until the expiration of six calendar months from the day upon which such order shall have been published in the *Calcutta Gazette.*

Recovery of penalties.

17. All complaints as to offences against this Act shall be heard and determined by a Magistrate within whose local jurisdiction the offence may be alleged to have been committed: and the provisions for the recovery of fines contained in sections 64, 65, 66, and 67 of Act XLV of 1860 (*The Indian Penal Code*), and in *section 307 of the Code of Criminal Procedure, shall apply to all fines and penalties imposed under this Act by any Magistrate in any port other than the Port

* Act X of 1872, section 2, para. 5, Schedule V.

of Calcutta; and the provisions of Act IV of 1866 passed by the Lieutenant-Governor of Bengal in Council, and every other Act for regulating the Police of the Town of Calcutta in force for the time being, shall apply to all fines and penalties imposed under this Act by any Magistrate of Police for the Town of Calcutta.

Disposal of penalties.

18. All penalties levied under this Act shall be applied as fines received under the said *Indian Ports Act, 1875, are directed to be applied.

Act to be construed with Indian Ports Act, 1875.

19. This Act shall be construed together with and as part of the said *Indian Ports Act, 1875.

20. [*Repealed by Act No. XII of* 1873.]

FIRST SCHEDULE.

(*See section* 2.)

	If Natives.	If Europeans.	Officers in charge.
Cargo Boats	4	4	0
Vessels, not being Cargo Boats, of 600 tons and under, in moorings	6	4	1
For every additional 100 tons	1½	1	0
Vessels, not being Cargo Boats, of 600 tons and under, in stream	11	7½	1
For every additional 100 tons	2	1	0

SECOND SCHEDULE.

(*See sections* 3, 4, *and* 5.)

FORM A.

Port of I

Conservator of the Port of , do hereby license the (*ship*) of which is Master, to remain at her present moorings, in the said Port, without having on board the crew required by Act III of 1867 of the Lieutenant-Governor of Bengal in Council. Provided always that, on breach of any of the conditions hereunder written this license shall forthwith absolutely cease and determine.

FORM B.

Port of

I Conservator of the Port of do hereby revoke all license to the (*ship*) to remain in Port without a crew therein.

* Act No. XII of 1875, section 3, para. 3.

FORM C.

Port of

I the Conservator of the Port of

do hereby order that vessels lying in the following portion of the said Port, (*here set out the exempted limits*) shall be exempt from the provisions of the second section of Act III of 1867 passed by the Lieutenant-Governor of Bengal in Council.

THIRD SCHEDULE.

(*See sections* 10 *and* 15.)

PORT-DUES.

Police Port-dues.

For every vessel entering any port, two annas per ton.

Hospital Port-dues.

For every vessel entering any port, one anna per ton.

---

*ACT No. IV OF 1867.

(*Received the assent of the Lieutenant-Governor on the* 30*th April* 1867, *and of the Governor-General on the* 21*st May* 1867.)

An Act to explain and amend Act VI of 1862 *passed by the Lieutenant-Governor of Bengal in Council, and to give validity to certain judgments.*

Preamble.

WHEREAS certain appeals under Act X of 1859 of the Governor-General of India in Council, entitled an Act to amend the Law relating to the recovery of rent in the Presidency of Fort William in Bengal, and under Act VI of 1862 passed by the Lieutenant-Governor of Bengal in Council, entitled an Act to amend Act X of 1859, have been referred to Deputy Collectors by Collectors under the belief that power so to refer such appeals is conferred by section 19 of the said Act VI of 1862; and whereas some of the said appeals so referred have been heard and determined by such Deputy Collectors; and whereas certain appeals have been heard and determined by Deputy Collectors placed in charge of sub-divisions of districts, under the belief that they had power to

* Bengal Act VIII of 1869, section 107, Schedule D.

hear and determine such appeals; and whereas it is expedient that the judgments passed by such Deputy Collectors on such appeals should be made valid, and that provision should be made for the more speedy determination of appeals in certain cases; It is hereby declared and enacted as follows:—

Interpretation.

1. Words importing the singular number shall include the plural, and words importing the plural number shall include the singular.

Orders made by Deputy Collectors on referred appeals confirmed.

2. Save as hereinafter appears, every judgment, decree, and order, before the passing of this Act, passed or made on any appeal by any Deputy Collector to whom such appeal may have been referred by the Collector having jurisdiction to decide such appeal, shall be as valid and binding and have the same force and effect as if the same had been passed or made by such Collector.

Orders on appeals made by Deputy Collectors in charge of sub-divisions confirmed.

3. Save as hereinafter appears, every judgment, decree, and order, before the passing of this Act, passed or made by any Deputy Collector placed in charge of any sub-division of a District, upon any appeal from any judgment, decree, or order made under the said Act X of 1859, or the said Act VI of 1862, by any officer within such sub-division, shall be as valid and binding as if such judgment, decree, or order of such Deputy Collector had been made by the Collector of the District within which such sub-division is situate.

But not when appeal has been re-heard by a Collector.

4. Provided always that in case any appeal upon which a judgment decree, or order may have been passed or made by any Deputy Collector, shall, before the passing of this Act, have been re-heard by a Collector, the judgment, decree, or order of such Deputy Collector upon such appeal shall not become valid or binding under or by virtue of anything hereinbefore contained.

Appellate jurisdiction may be exercised by officers specially appointed by the Lieutenant-Governor.

5. From and after the passing of this Act, it shall be competent to the Lieutenant-Governor of Bengal specially to appoint any fully qualified Revenue Officer to exercise the powers of the Collector of a District for the purpose of enabling him to hear and determine appeals under the said recited Acts, and such persons so specially appointed shall have and exercise all such and the same powers in regard to the hearing of such appeals as the Collector of the District, within which such person shall be so appointed, might have and exercise.

ACT No. V. OF 1867.

(Received the assent of the Lieutenant-Governor on the 23rd May 1867, and of the Governor-General on the 30th idem.)

An Act for shortening the language used in Acts, passed by the Lieutenant-Governor of Bengal in Council.

Preamble.

WHEREAS certain provisions are commonly inserted in Acts passed by the Lieutenant-Governor of Bengal in Council for the interpretation of such Acts, and it is expedient to avoid the frequent repetition of such provisions; It is declared and enacted as follows:—

Interpretation of certain words in future Acts.

1. In all Acts passed after the commencement of this Act, and containing nothing expressly to the contrary, words importing the masculine gender shall be deemed and taken to include females, and the singular to include the plural, and the plural the singular;

the word "Magistrate" shall include all persons exercising all or any of the powers of a Magistrate;

the word "Person" shall include any incorporated Company or incorporated association of persons;

the word "Month" shall be taken to mean calendar month, unless words be added showing lunar month to be intended;

the word "Land" shall include houses and buildings and corporeal hereditaments and tenements of any tenure, unless where there are words to exclude houses and buildings, or to restrict the meaning to tenements of some particular tenure;

and the words "Oath," "Swear," and "Affidavit" shall include affirmation, declaration, affirming and declaring, in the case of persons by law allowed to declare or affirm instead of swearing.

Repealed Acts not to be revived.

2. Wherever any Act shall, after the time fixed for the commencement of this Act, be passed repealing in whole or in part any former Act or Regulation, and such Act shall itself be repealed, such last repeal shall not revive the Act or Regulation or provisions before repealed, unless words be added reviving such Act, Regulation, or provisions.

3. Wherever any Act shall, after the time fixed for the commencement of this Act, be passed repealing in whole or in part any former Act, and substituting some provision or provisions instead of the provision or provisions so repealed, the provisionor provisions so repealed shall remain in force until the substituted provision or provisions shall come into operation by force of the last mentioned Act.

Repealed provisions to continue in force till substituted provisions come into operation.

4. The provisions of sections 63, 64, 65, 66, 67, 68, 69, and 70 of the Indian Penal Code, and of *section 307 of the Code of Criminal Procedure, shall apply to all fines which may be imposed under the authority of any Act hereafter to be passed.

Provision as to fines.

5. This Act shall commence and take effect upon the first day of June now next ensuing.

Commencement of Act.

The Act is in force in the Sonthal Pergunnahs. *See* Regulation I of 1872 *(for the peace and good government of the territory known as the Sonthal Pergunnahs).*

ACT No. X OF 1867.

(Received the assent of the Lieutenant-Governor on the 6th July 1867, and of the Governor-General on the 10th idem.)

An Act to continue the existing Settlement of the Land Revenue in the Districts of Cuttack, Pooree, and Balasore, until the expiration of the year 1304 *Umlee.*

WHEREAS the existing Settlement of the Land Revenue in the districts of Cuttack, Pooree, and Balasore will expire with the present year 1274 Umlee; and whereas it is expedient to continue the said Settlement for a further period of thirty years; It is enacted as follows:—

Preamble.

1. The existing settlement of the land revenue of the districts of Cuttack, Pooree, and Balasore, and all rights and interest recognized or defined thereby, shall continue in force until the expiration of the year 1304 Umlee, subject to the following provisions.

The existing Settlement to continue in force.

2. If any recorded proprietor of an estate, or any recorded shareholder in an estate held in common tenancy within the said districts, with respect to which an engagement for the payment of public revenue during the existing settlement may have been

Proprietors may dissent.

* Act No. X of 1872, section 2, para. 5, Schedule V.

made, shall not be willing to continue such engagement to the expiration of the year 1304 Umlee, he shall, on or before the first day of September 1867, corresponding with the 18th Bhadoor 1274 Umlee, give notice to this effect in writing to the Collector of the District within which such estate as aforesaid may be situate. On receipt of any such notice, it shall be competent to the Collector to assume the direct management of such estate, or to let the same in farm.

Management of estates of dissenting proprietors.

3. The provisions of sections 3 and 5, Regulation VII of 1822, shall apply to all estates so taken under direct management or let in farm by the Collector; and also to all estates which are now held under direct management, or let in farm.

Proprietors not giving notice to be responsible for revenue.

4. All proprietors and shareholders of estates situate within the said districts, with regard to which notice shall not be given within the terms of section two of this Act, are hereby declared to be liable to pay revenue in accordance with the terms of the existing settlement during the term of thirty years from the expiration of the Umlee year 1274; and any arrears of such revenue shall be recoverable under the provisions of Act XI of 1859, and of every other Act for the time being in force for the recovery of arrears of revenue.

---

*ACT No. I. OF 1868.

(Received the assent of the Lieutenant-Governor on the 12th May 1868, and of the Governor-General on the 30th idem.)

An Act to make further provision for the Survey of Steam Vessels plying within the Provinces subject to the Lieutenant-Governor of Bengal.

Preamble.

WHEREAS it is expedient to make further provision for the survey by competent surveyors, and the management by competent engineers, of steam vessels plying on the rivers or waters within the provinces subject to the Lieutenant-Governor of Bengal; It is enacted as follows :—

Steam vessels to be liable to survey.

1. For section 1 of Act V of 1862, passed by the Lieutenant-Governor of Bengal in Council, entitled an Act to provide for the periodical survey of Steam Vessels in the Port of Calcutta, shall be substituted the words following :—

[*See above, p.* 3.]

---

* See Bengal Act V of 1862, and Bengal Act III of 1871.

2. It shall be lawful for the Lieutenant-Governor, by an order to be published in the *Calcutta Gazette*, to appoint any ports or places, in the provinces subject to his government, to be Ports of Survey for the purposes of the said Act V of 1862, and of this Act.

Power to appoint ports of survey.

3. In sections 3, 5, 6, and 7 of the said Act V of 1862, the words "or any other port of survey" shall be deemed and taken to be inserted therein after the word "Calcutta" wherever the said word may occur in the said sections; and from and after the passing of this Act, the said sections shall be read and construed as if the said words had been so inserted.

Other ports of survey added to Calcutta in former Act.

4. In section 12 of the said Act V of 1862, the words "shall not be in any port of survey" shall be substituted for the words "is absent from the Port of Calcutta," and the words "arrival at some port of survey" shall be substituted for the words "return to the Port of Calcutta;" and the said section shall, from and after the passing of this Act, be read and construed as if the said words so to be substituted had been originally inserted in the said Act, instead of the said words for which they are so to be substituted.

Absence from and arrival at port of survey to be substituted for absence from and return to Calcutta.

5. It shall be lawful for the Lieutenant-Governor, from time to time, by an order to be published in the *Calcutta Gazette*, to direct that in any port of survey other than Calcutta, in addition to the fees imposed by the said Act V of 1862, there shall be paid, for every survey of a steam vessel in such port, by the owner or master of such steam vessel, such further fee, for or towards the expense of the journey of a surveyor to such port, as in such order shall be set forth; and from time to time in like manner to alter, vary, or revoke any such order; and every fee so to be payable shall be recoverable by the ways and means in the said Act provided for the recovery of the fees thereby imposed.

Power to impose additional fees.

6. Whenever any explosion shall occur on board of any steam vessel subject to this Act, it shall be lawful for the Lieutenant-Governor, if he shall think fit, to direct that an investigation of the cause of such explosion be made by such person or persons as he shall think fit. The person or persons authorized by the Lieutenant-Governor to make such investigation may enter into and upon such steam vessel with all necessary workmen and laborers, and remove any portion of such steam vessel, or of the machinery thereof, for the purpose of such investigation, and shall report the cause of such explosion.

Power to investigate causes of explosions.

7 Examinations shall be instituted for persons who intend to become engineers of steamers, or how wish to procure certificates of competency hereinafter mentioned.

Examinations to be instituted for engineers.

8. The Lieutenant-Governor, or any Board or Officer duly authorized by him in that behalf, shall, from time to time, nominate two or more competent persons for the purpose of examining the qualifications of the applicants for examination, and may make rules for the conduct of such examinations, and as to the qualifications to be required, and the fees to be paid by all applicants for examination.

Appointment of examiners and rules for examination.

9. The Lieutenant-Governor, or such Board or Officer as aforesaid, shall deliver to every applicant who is reported by the examiners to have passed the examination satisfactorily, a certificate (hereinafter called a "certificate of competency") to the effect that he is competent to act as engineer.

Certificates of competency to be given.

10. Every person who, before the passing of this Act, has served for a period of not less than one year as first or only engineer in any steam vessel, or who has attained or shall attain the rank of First Class Assistant Engineer in the Service of Her Majesty shall be entitled to a certificate of service.

Certificates of service to be given.

Each of such certificates of service shall contain particulars of the name and of the length and nature of the previous service of the person to whom it is delivered, and the Lieutenant-Governor, or such other authority as aforesaid, shall deliver such certificates of service to the various persons so respectively entitled thereto, upon their proving themselves to have attained such rank, or to have served as aforesaid, and upon their giving a full and satisfactory account of the particulars aforesaid, and on payment of such fees as the Lieutenant-Governor shall, by an order published in the *Calcutta Gazette*, from time to time direct.

11. No certificate of survey under the said Act V of 1862, or of this Act, shall be granted for any steam vessel, unless it shall have as its engineer an engineer possessing a certificate of competency or a certificate of service.

No certificate of survey if vessels have not a certificated engineer.

12. The owner, and also the master, of any steam vessel subject to this Act, which shall ply on any of the rivers or waters in the provinces subject to the Lieutenant-Governor of Bengal, without having in charge of the engines thereof an engineer possessing a certificate of service or a certificate of competency, shall be liable to a fine not exceeding five hundred rupees.

Penalty for plying without a certificated engineer.

Power to exempt private steam vessels.

13. It shall be competent to the Lieutenant-Governor of Bengal to exempt from the operation of sections eleven and twelve any steamer which does not ply with passengers or goods, or as a steam tug for hire.

Withdrawal of certificate.

14. It shall be lawful for the Lieutenant-Governor, or such Board or authority as aforesaid, in case of the misconduct, negligence, or incompetency of any engineer possessing a certificate of competency or a certificate of service, to cancel such certificate, or to suspend the same for such time as to him or them shall seem fit.

English certificates to be available.

15. Every engineer's certificate of competency or service, which may be granted by any competent authority in the United Kingdom, shall have, in all respects, the same validity and effect as if the same had been granted under the provisions of this Act.

Certificates to be made in duplicate.

16. All certificates, whether of competency or service, shall be made in duplicate, and one part shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded as the Lieutenant-Governor shall direct. A note of all orders made for cancelling, suspending, altering, or otherwise affecting any certificate in pursuance of the powers herein contained, shall be entered in the record of certificates.

Copy of certificate to be delivered.

17. Whenever any engineer proves to the satisfaction of the Lieutenant-Governor, or of such other authority as aforesaid, that he has, without fault on his part, lost or been deprived of any certificate already granted to him, a copy of the certificate to which, by the record so kept as aforesaid, he appears to be entitled, shall be delivered to him, and shall have all the effect of the original.

Short title.

18. In citing this Act it shall be sufficient to use the expression "The Steam Boat Survey Amendment Act, 1868."

19. [*Repealed by Act No. XII of* 1873.]

Construction of Act.

20. This Act shall be read together with, and as part of, the said Act V of 1862.

ACT No. III OF 1868.

(*Received the assent of the Lieutenant-Governor on the 2nd June* 1868, *and of the Governor-General on the* 16*th idem.*)

An Act to amend the Law respecting Appeals in cases under Regulation VII of 1822.

Preamble.

WHEREAS it is expedient that the period for presenting appeals under section 29 of Regulation VII of 1822 should be assimilated to the period for bringing appeals in other cases pending before the Revenue Authorities; It is enacted as follows:—

Appeals under section 29, Regulation VII, 1822, to be presented within one month from date of decision appealed against.

1. No petition of appeal presented under the provisions of section 29 of Regulation VII of 1822, shall be received after the expiration of thirty days from the date of the decision against which such appeal is presented, unless sufficient cause shall be shown for the delay to the satisfaction of the authority to which such appeal is presented. The days shall be reckoned from and exclusive of the day on which the decree was passed, and also exclusive of such time as may be requisite for obtaining a copy of the order appealed against.

2. [*Repealed by Act No. XII of* 1873.]

ACT No. IV OF 1868.

(*Received the assent of the Lieutenant-Governor on the* 8*th June* 1868, *and of the Governor-General on the* 24*th idem*).

An Act to amend the provisions of Act IX of 1847 (*An Act regarding the assessment of lands gained from the sea or from rivers by alluvion or dereliction within the Provinces of Bengal, Behar, and Orissa*).

Preamble.

WHEREAS it is expedient to amend the provisions of Act IX of 1847; It is enacted and declared as follows:—

1. [*Repealed by Act No. XII of* 1873.]

Accessions to island to be considered increment thereto.

2. It is hereby declared that when any islands shall, under the provisions of clause 3, section 4 of Regulation XI of 1825 of the Bengal Code, be at the disposal of Government, all lands gained by gradual accession to such island, whether from a recess of the river or of the sea, shall be considered an increment to such island, and shall be equally at the disposal of Government.

Newly thrown up islands to be assessed.

3. Whenever it shall appear to the local revenue authorities that an island has been thrown up in a large and navigable river liable to be taken possession of by Government under clause 3, section 4 of Regulation XI, of 1825 of the Bengal Code, the local revenue authorities shall take immediate possession of the same for Government, and shall assess and settle the land according to the rules in force in that behalf, reporting their proceedings forthwith for the approval of the Board of Revenue, whose order thereupon, in regard to the assessment, shall be final. Provided, however, that any party aggrieved by the act of the revenue authorities in taking possession of any island as aforesaid, shall be at liberty to contest the same by a regular suit in the civil court.

Subsequent junction to mainland not to affect Government right.

4. Any island of which possession may have been taken by the local revenue authorities on behalf of the Government under section three of this Act, shall not be deemed to have become an accession to the property of any person by reason of such channel becoming fordable after possession of such island shall have been so taken.

Power to apply for ways across islands.

5. Whenever an island, of which possession shall have been taken by Government under section three of this Act, shall become attached to the mainland, any person having an estate or interest in any part of the riparian mainland to which such island may become attached while it is in the possession of the Government, may apply to the Collector to take measures for the construction of ways, paths, and roads on the island: the costs thereof to be equally divided between the applicant and the Government.

Applicant for ways to deposit money, and ways to be made.

6. Thereupon the Collector may require the applicant to make such deposit of money as to the Collector shall seem sufficient, and on such deposit being made, the Collector shall proceed to lay out and construct such ways, paths, and roads in and through the island as he may deem necessary for securing access to the river or sea from the land to which the island may have become attached.

Costs of ways how to be borne.

7. In every case the applicant shall be liable to pay and make good to the Government one-half of the costs of laying out and constructing such ways, paths, and roads as aforesaid, and any moneys due from the applicant under the provisions of this section may be deducted and retained by the Collector out of the deposit so made by the applicant as aforesaid.

Ways to be public.

8. Every way, road, and path, which shall be laid out or appointed under the provisions aforesaid, shall be deemed a public highway.

ACT No. VII OF 1868.

CONTENTS.

PREAMBLE.

SECTION.

1. Interpretation clause.
   Proprietor.
   Revenue.
   Estate.
   Tenure.
   Jurisdiction.
   Collector.
   Demand.
   Sums due from Public Accountants and their sureties.
   Sums due from the sureties of farmers.
   Arrears of revenue payable in respect of tenures.
   Costs of certain partitions.
   Costs of embankments.
   Loss on re-sale of estates.
   Water-rates.
   Fines upon farmers.
   Arrears of revenue or rent payable in respect of non-transferable interest in land, pasturage, forest-rights, &c.
   Arrears of rent payable to Collector from person holding interest in land, pasturage, forest-rights, &c., direct from Collector.
   Other revenue demands.
2. Appeals against sales.
   Annulment of sales.
3. Time for revenue sales extended.
4. Time for confirmation of sales extended.
5. Mode of serving notices.
6. Power to cause notices to be served of arrears or demands.
7. Notices to ryots to be posted in sub-divisional cutcherry.
8. Certificate to be conclusive evidence of regularity in service of notices.
9. Sales of lakhiraj to be valid.
10. Collectorate to include all estates borne on its roll.
11. Power to sell tenures.
    Sale of tenure not to be made until after notification.
12. Effect of sale of a tenure.
13. Power of enhancement.
14. Saving right of ryot.
15. Certificate to be made of unliquidated arrears.
16. Certificate to be made of arrears payable by a farmer.
17. Certificate to have effect of decree.

18. Certificate to be made of arrears of demand payable to a Collector.
19. Certificate of demand payable to person other than a Collector.
20. Certificate to be executed as decree of Civil Court.
21. Notice of certificate to be served.
22. Power of objecting to certificate.
Collector may set aside or modify certificate.
23. Appeal or application to Collector.
24. Power to enforce certificate.
25. Certificates to be entered in book.
26. Book of certificates to be open to inspection.
27. Satisfaction to be entered.
28. Transmission of sums received.
30. Construction of Act.
FOUR SCHEDULES.

ACT No. VII OF 1868.

(Received the assent of the Lieutenant-Governor on the 16th July 1868, and of the Governor-General on the 10th August 1868.)

An Act to make further provision for the recovery of Arrears of Land Revenue and Public Demands recoverable as Arrears of Land Revenue.

Preamble.

WHEREAS it is expedient to amend and extend the law for the recovery of arrears of land revenue and of public demands recoverable as arrears of land revenue; It is declared and enacted as follows:—

Interpretation clause.

1. In this Act and in Act XI of 1859 (*to improve the law relating to sales of Land for arrears of Revenue in the Lower Provinces under the Bengal Presidency*), the words in this section mentioned shall have the meanings therein attributed to them respectively.

"Proprietor."

The word "Proprietor" includes any tenant by whom any estate or tenure is held directly under Government.

"Revenue."

The word "Revenue" includes every sum annually payable to Government by the proprietor of any estate or tenure in respect thereof, and every sum payable to Government in respect of Tuccavee, or of any money advanced by Government to proprietors of land for making or repairing embankments, reservoirs, or water-courses, or other improvements on the land held by them.

"Estate."

The word "Estate" means any land or share in land subject to the payment to Government of an annual sum in respect of which the name of a Proprietor is entered on the Register known as the General Register of all revenue-paying estates, or in respect of which a separate account may, in pursuance of section 10 or section 11 of the said Act XI of 1859, have been opened.

"Tenure."

The word "Tenure" includes all interests in land whether rent-paying or lakhiraj (other than estates as above defined), and all fisheries, which, by the terms of the grants creating the same, or by the custom of the country, are transferable, whether such tenures are resumable or not, and whether the right of selling or bringing them to sale for an arrear of rent may or may not have been especially reserved by stipulation in any instrument.

"Jurisdiction."

The "Jurisdiction" of a Collector means the District to which such Collector is appointed or throughout which any officer vested with the powers of a Collector is authorized to exercise such powers.

"Collector."

The word "Collector" includes any person vested with the powers of a Collector.

"Demand."

The word "Demand" means any of the following public demands, arrears of which are by law recoverable as arrears of revenue:

Sums due from Public Accountants and their sureties.

any sum due from any Public Accountant, or from the sureties of any Public Accountant, on account of any loss or defalcation in the account of such Public Accountant;

Sums due from the sureties of farmers

any sum which may be due from the sureties of any farmer in respect of the revenue of the estate farmed by him;

Arrears of revenue payable in respect of tenures.

any arrears of revenue payable in respect of any tenure, for the recovery of which the Collector may not think fit to proceed under section eleven of this Act;

Costs of certain partitions.

any sum which may be due from any person for his proportion of the authorized expenses of making a division of any estate under *Regulation XIX of 1814, or in respect of any fine imposed under section 20 or 21 of the same Regulation;

Costs of embankments.

any sum which may be due from any person under clause 2 of section 11 of †Act XXXI of 1855, or in respect of any award of the expenses of the construction, alteration,

* Repealed by Bengal Act VIII of 1876.

† Repealed, except as regards Orissa and Sunderbuns, by Bengal Act VI of 1873.

or extension of any embankment, which may, in pursuance of *Act VII of 1866, passed by the Lieutenant-Governor of Bengal in Council, be made by any Collector;

Loss on re-sale of estates.

any sum which may be payable by any person under the provisions of section 23 of the said Act XI of 1859, for the difference between the proceeds of the sale of an estate which may be eventually consummated, and the price bid by such person at a sale of such estate for arrears of revenue;

Water-rates.

any sum payable to any Collector for water-rate under any agreement made in pursuance of †Act VIII of 1867, passed by the Lieutenant-Governor of Bengal in Council;

Fines upon farmers.

any sum payable as a fine under the provisions of Act XX of 1848, (*for better enforcing the attendance of proprietors and farmers of land before Collectors of Land Revenue in the Lower Provinces of the Bengal Presidency*);

Arrears of revenue or rent payable in respect of non-transferable interest in land, pasturage, forest-rights, &c.

‡ any arrears of revenue or rent payable to the Government from any ryot, or from any person holding any interest in land, pasturage, forest-rights, fisheries, and the like, which, by the terms of the contract creating the same, or by the custom of the country, is not transferable;

Arrears of rent payable to Collector from person holding interest in land, pasturage, forest-rights, &c., direct from Collector.

any arrears of rent payable to a Collector in charge of an estate or tenure on behalf of a private person from any ryot or from any person holding any interest in land, pasturage, forest-rights, fisheries, and the like, direct from such Collector;

These two last clauses, which were added by Bengal Act I of 1875, are in force in the districts of Sylhet and Goalpara under the Government of Assam. *See* Regulation No. IV of 1875 (*for the realization of arrears in Government estates in certain districts of Assam*).

Other revenue demands.

Any other demand which by any law for the time being in force is or shall be recoverable as arrears of revenue.

For demands which have been made recoverable under this Act by subsequent Acts, *see* Bengal Act VI of 1873, section 50; Bengal Act IV of 1875, section 1; Bengal Act V of 1875, section 57; Bengal Act III of 1876, sections 42, 85, and 93; Bengal Act VII of 1876, section 82; Bengal Act VIII of 1876, section 138.

Appeals against sales.

2. It shall be lawful for the Commissioner of Revenue to receive an appeal against any sale made under this Act or the said Act XI of 1859, not being a sale made under, and by virtue of, any execution issued upon a certificate made as hereinafter is provided, so

* Repealed, except as regards Orissa and Sunderbuns, by Bengal Act VI of 1873.
† Repealed by Bengal Act III of 1876.
‡ Bengal Act I of 1875.

that such appeal be preferred to such Commissioner on or before the sixtieth day from the day of sale, reckoning as in section 23 of the said Act XI of 1859, or be presented to the Collector or other officer duly authorized to hold sales under the said Act for transmission to the Commissioner on or before the forty-fifth day from the day of sale, reckoning as aforesaid, and not otherwise;

Annulment of sales.

and the Commissioner shall be competent, in every case of appeal so preferred, to annul any sale of an estate or share of an estate made under this Act or Act XI of 1859, which shall appear to him not to have been conducted according to the provisions of the said Acts, awarding at the same time to the purchaser a payment from the proprietor of compensation for his loss; if the sale shall have been occasioned by neglect of the proprietor, such compensation not to exceed the interest at the highest rate of the current Government Securities on the amount of deposit or balance of purchase-money during the period of its being retained in the Collector's office: and the order of the Commissioner shall in such cases be final.

Time for revenue sales extended.

3. From the date when this Act comes into operation, the word "thirty" shall be substituted for the word "fifteen" in section 6 of the said Act XI of 1859, and the words "or more than thirty" in the same section shall be omitted therefrom, and the said section shall be read as if the same had not been inserted therein.

Time for confirmation of sales extended.

4. From the date when this Act comes into operation, the words "sixtieth" and "sixty" shall be substituted for the words "thirtieth" and "thirty" respectively, wherever the said words occur in section 27 of the said Act XI of 1859.

Mode of serving notices.

5. Every notice in and by this Act, or by the said Act XI of 1859, directed to be served, shall be served by delivering to the person to whom it may be directed, a copy thereof attested by the Collector, or by delivering such copy at the usual place of abode of such person, to some adult male member of his family, or, in case it cannot be so served, by posting such copy upon some conspicuous part of the usual or last known place of abode of such person. In case such notice cannot be served in any of the ways hereinbefore mentioned, it shall be served in such way as the Collector issuing such notice may direct.

Power to cause notices to be served of arrears or demands.

6. It shall be lawful for the Lieutenant-Governor of Bengal, by an order published in the *Calcutta Gazette*, to empower all Collectors in any district in such order mentioned, if they shall think fit, to cause such notices as shall be

in such order specified to be served upon any proprietors or persons liable to any demands, before proceeding under the provisions of the said Act XI of 1859 or of this Act, to realize from such proprietors or persons any arrears of revenue or any demands which may be due from such proprietors or persons, and the costs of serving any such notices as shall be served under the powers conferred by any such order, not exceeding such sums as shall in such order be specified, shall be added to any arrears of revenue or to any demands which may be due from such properties or persons, and shall be recoverable as if the same were a portion of such arrears of revenue or of such demands;.

and every such order may from time to time be altered, varied, or revoked by any other order of the said Lieutenant-Governor to be from time to time in like manner published.

The powers vested in the Lieutenant-Governor by this section have been delegated by the Governor-General in Council to the Chief Commissioner of Assam, for the purpose of being exercised within his Commissionership—*Gazette of India*, 1875, p. 151.

Notices to ryots to be posted in sub-divisional cutcherry.

7. In addition to the notices in and by section 7 of the said Act XI of 1859 directed to be posted, a similar notice shall be posted at the sub-divisional cutcherry within the jurisdiction of which the estate to which such notice refers, or some portion thereof, is situate.

Certificate to be conclusive evidence of regularity in service of notices.

8. Every certificate of title which may be given to any purchaser under the provisions of section 28 of the said Act XI of 1859, or of section eleven of this Act, shall be conclusive evidence, in favor of such purchaser and of every person claiming under him, that all notices in or by this Act, or by the said Act XI of 1859, required to be served or posted, have been duly served and posted; and the title of any person who may have obtained any such certificate shall not be impeached or affected by reason of any omission, informality, or irregularity as regards the serving or posting of any notice in the proceedings under which the sale was had at which such person may have purchased.

Sales of lakhiraj to be valid.

9. All sales of lands of lakhiraj tenure, which may heretofore have been made in conformity with the procedure established by the said Act XI of 1859, for payment of arrears of revenue or of demands, shall have such and the same force and effect as if they had been made in execution of a decree against the person liable to pay the revenue or demand for satisfaction of which such sale may have been made.

Collectorate to include all estates borne on its roll.

10. Every estate shall, for the purposes of this Act and of the said Act XI of 1859, be deemed to be within the Collectorate of the Collector upon whose General Register the revenue thereof may be borne, although the whole

or any portion of the lands comprised in such estate may be without the local limits of his jurisdiction; but all lands and tenures shall be deemed to be within the jurisdiction within the local limits of which they may be situate, although the estate of which they form a part may, under the provisions of this section, be deemed to be within the Collectorate of any other Collector.

Power to sell tenures.

11. * Whenever any revenue payable to Government in respect of any tenure not being an estate, shall be in arrear after the latest day of payment fixed in the manner prescribed in section 3 of the said Act XI of 1859, the Collector to whom such revenue is payable may cause the tenure to be sold in the manner and subject to the provisions in and by the said Act XI of 1859 provided for the sale of estates for the recovery of arrears of revenue, and the Collector shall apply the purchase-money arising from such sale according to the provisions of section 31 of the said Act XI of 1859, except that the residue, if any, shall be held in deposit on account of the holder of the tenure and not on account of the proprietor of the estate; and every such Collector shall, upon every such sale of any tenure being final and conclusive, give to the purchaser hereof such certificate of title thereof as is provided in section 28 of the said Act XI of 1859 with respect to estates:

Sale of tenure not to be made until after notification.

Provided that no tenure shall be sold for the recovery of arrears of revenue other than those of the current year or of the year immediately preceding, nor for the recovery of arrears of revenue due by tenures under attachment by order of any judicial authority, unless and until after a notification in the language of the district, specifying the nature and amount of the arrear and the latest date on which payment thereof shall be received, shall have been fixed for a period of not less than fifteen clear days preceding the date fixed for payment according to section 3 of Act XI of 1859, in the office of the Collector or other officer duly authorized to hold sales under this Act, in the court of the judge within whose jurisdiction the land advertised lies, and in the moonsiff's court and police thannah of the division in which the tenure to which the notification relates is situated, or if the tenure be situated within the jurisdiction of more than one moonsiff's court or police thannah, in some one or more of such courts or thannahs, and also at the cutcherry of the malgoozar or owner of the tenure, or at some conspicuous place upon the tenure, the same to be certified by the peon or other person employed for the purpose.

Effect of sale of a tenure.

12. The purchaser of any tenure sold under the provisions of section eleven of this Act shall acquire it free from all encumbrances which may have been imposed upon it

* Bengal Act II of 1871.

after its creation, or after the time of settlement, whichever may have last occurred, and shall be entitled to avoid and annul all under-tenures, and forthwith to eject all under-tenants, with the following exceptions :—

First.—Istemraree or mookurruree tenures which have been held at a fixed rent from the time of the permanent settlement;

Secondly.—Tenures existing at the time of permanent settlement, which have not been held at a fixed rent: provided always that the rent of such tenures shall be liable to enhancement under any law for the time being in force for the enhancement of the rent of such tenures;

Thirdly.—Tenures created or recognized by the settlement proceedings of any current temporary settlement, as tenures bearing a rent which is fixed for the period of such settlement;

Fourthly.—Tenures of lands whereon dwelling-houses, manufactories, or other permanent buildings have been erected, or whereon permanent gardens, plantations, tanks, canals, places of worship, or burning or burying grounds have been maned.

Power of enhancement.

13. Every purchaser of a tenure under section eleven of this Act shall be entitled to proceed in the manner prescribed by any law for the time being in force for the enhancement of the rent of any land coming within the fourth class of exceptions above made, if he can prove the same to have been held at what was originally an unfair rent, unless the same shall have been held for a term exceeding twelve years at a fixed rent equal to the rent of good arable land.

Exemption for ryot with right of occupancy.

14. Provided always that nothing hereinbefore contained shall be construed to entitle any such purchaser, under section eleven of this Act, to eject any ryot having a right of occupancy at a fixed rent, or at a rent assessable according to fixed rules under the laws in force, or to enhance the rent of any such ryot otherwise than in the manner prescribed by such laws, or otherwise than as the former proprietor, irrespective of all engagements made since the time of settlement, may have been entitled to do.

Certificate to be made of unliquidated arrears.

15. Whenever an estate or tenure shall have been sold for the recovery of the arrears of revenue due on account of the same in pursuance of the powers and provisions of the said Act XI of 1859, or of this Act, and the produce of such sale, after defraying thereout the expenses of such sale, shall have been insufficient for the liquidation of all arrears of the revenue of such estate or tenure which, according to the said provisions, may be payable thereout, the Collector of the District shall make under his hand a certificate of the amount of such

arrears so remaining unliquidated, in the form in Schedule A to this Act annexed, and shall cause the same to be filed in his office.

Certificate to be made of arrears payable by a farmer.

16. Whenever any estate may be held by any farmer, and arrears of revenue shall be unpaid from such farmer, in respect of such estate, for one month after the latest day of payment fixed in the manner prescribed in section 3 of the said Act XI of 1859, the Collector of the District may make under his hand a certificate of the amount of such arrears so remaining unpaid, in the form in Schedule A to this Act annexed, and may cause the same to be filed in his office.

Certificate to have effect of decree.

17. Every such certificate made in pursuance of the last two preceding sections shall have the force and effect of a decree of a civil court, and the Government shall be deemed to be the plaintiff, and the person named as debtor therein shall be deemed to be the defendant.

Certificate to be made of arrears of demand payable to a Collector.

18. Whenever any arrears of any demand shall be unpaid by any person liable to pay such demand to a Collector for one month after he shall have been required to pay the same by a notice in writing under the hand of such Collector, the Collector of the District shall make under his hand a certificate of the amount of such arrears so remaining unpaid, in the form in Schedule A to this Act annexed, and shall cause the same to be filed in his office.

Certificate of demand payable to person other than a Collector.

19. Whenever any arrears of any demand shall be unpaid by any person liable to pay such demand to any officer other than a Collector, the officer to whom such demand is payable shall give to the Collector of the District in which such person resides a notice in writing in the form in Schedule B, and such Collector shall make under his hand a certificate of the amount of such arrears so remaining unpaid in the form in Schedule A to this Act annexed, and shall cause the same to be filed in his office.

Certificate to be executed as decree of civil court.

20. Every such certificate made in pursuance of the last two preceding sections shall, as regards the remedies for enforcing the same, and subject to the provisions hereinafter contained, and so far only, have the force and effect of a decree of a civil court, and the Government shall be deemed to be the plaintiff, and the person named as debtor therein shall be deemed to be the defendant.

Notice of certificate to be served.

21. The Collector shall, forthwith upon filing any certificate, issue to the defendant a notice in the form in Schedule C. From and after the service of such notice, the

certificate shall bind the immoveable property of such defendant situate within the jurisdiction of such Collector as if a prohibitory order had issued and an attachment been executed against such property under the *Code of Civil Procedure; and shall also in like manner bind the immoveable property of such defendant situate within the jurisdiction of any other Collector in whose office a copy of such certificate may be filed, from the time of filing such copy.

Power of objecting to certificate.

22. Any person who may be aggrieved by any such certificate may, within one month from the day on which the last-mentioned notice shall have been served, apply, by petition in the form in Schedule D, to the Collector by whom such certificate may have been issued, that the same may be set aside or modified or varied.

Collector may set aside or modify certificate.

Such Collector, after receiving such application, shall fix a day for the hearing of such application, and shall, upon the day appointed for hearing such application, or on any other day to which such hearing may be adjourned, proceed to hear and determine the application of such applicant, and may set aside or modify or vary such certificate; and every such Collector shall, for hearing and determining any such application, have all the powers in and by the said *Code of Civil Procedure conferred upon the Court for the hearing and determination of claims to attached property, and for enforcement of the costs of such claim;

Costs.

and in case such Collector shall direct the payment of such costs by such applicant, the amount of such costs shall, if the applicant be the defendant, be added to the amount expressed in such certificate, and be recoverable as if the same had been originally contained therein.

Appeal from Collector to Commissioner.

23. Every order made by any Collector upon any such application shall be appealable to the Commissioner: provided always that no appeal against any such order shall be brought after the expiration of one month from the date of the passing of such order.

Power to enforce certificate.

24. Every certificate made in pursuance of sections fifteen, sixteen, eighteen, or nineteen of this Act, may be enforced by all or any of the ways and means mentioned and provided in and by the *Code of Civil Procedure for the enforcement of decrees for money; and all the practice and procedure by the *Code of Civil Procedure or by any other Act for the time being to be in force in respect of sales in execution of decrees, in respect of arrests in execution of decrees for money, in respect of the execution of decrees by imprisonment, in respect of

* Act No. X of 1877, section 3, para. 2.

claims to attached property, and in respect of execution of decrees out of the jurisdiction of the Courts by which they were passed, shall apply to every execution issued for levying the moneys expressed in such certificate, save that all the duties, powers, and authorities by the said *Code, imposed or conferred upon the Court, shall be exercised by the Collector in whose office any such certificate, or any copy thereof, transmitted for execution according to the provisions of *section 226 of the said Code, shall have been filed.

Certificates to be entered in book.

25. Every Collector shall cause to be kept in his office a book in such form as shall from time to time be prescribed by the Government of Bengal, and shall cause to be entered therein the particulars of every certificate under this Act which, or a copy of which, may be filed in his office.

The powers vested in the local Government by this section have been delegated by the Governor-General in Council to the Chief Commissioner of Assam, for the purpose of being exercised within his Commissionership.—*Gazette of India*, 1875, p. 151.

Book of certificates to be open to inspection.

26. Every such book shall be open to the inspection of any person desiring to see the same, during office hours, upon payment of a fee of eight annas.

Satisfaction to be entered.

27. Whenever the amount due upon any such certificate shall be fully paid and satisfied, the Collector, in whose office such certificate may be filed, shall enter satisfaction upon certificate under his own hand and signature, and shall transmit to any Collector in whose office a copy of such certificate may have been filed, and in case of a demand to the officer to whom such demand is payable, a memorandum of such satisfaction.

Transmission of sums received.

28. Whenever any sum shall be levied or received by any Collector in respect of any certificate, a copy of which may have been filed in his office under the provisions aforesaid, such Collector shall transmit such sum to the office in which such certificate may be filed.

29. [*Repealed by Act No. XII of* 1873.]

Construction of Act.

30. This Act shall be read with, and taken as part of, the said Act XI of 1859, as modified by Act III of 1862 of the Lieutenant-Governor of Bengal in Council.

In sales held by the Collector for the realization of Government demands realizable as arrears of revenue, the procedure laid down in this Act is to be followed, the provisions of section 5, Act XI of 1859, being in fact superseded by the procedure prescribed in this Act—MOHAN RAM JHA v. SHIB DUTT SINGH, 8 B. L. R., 230.

The Act is in force in the Sonthal Pergunnahs. *See* Regulation I of 1872 *(for the peace and good government of the territory known as the Sonthal Pergunnahs)*.

* Act No. X of 1877, section 3, para. 2.

SCHEDULE A.

(*See sections* 15, 16, 18, *and* 19).

Certificate of arrear of revenue (or demand, as the case may be) filed in office of Collector of District.

Name of Debtor.	Address.	Nature of Demand.	Amount of Demand.	No. of Certificate.
C. D.				

I certify that the abovementioned sum of rupees is due to Government from the abovenamed C. D. Dated this day of 18

A. B.,
Collector of

SCHEDULE B.

(*See section* 19.)

NOTICE OF DEMAND.

To the Collector of the District of

Name of Debtor.	Address of Debtor.	Nature of Demand.	Amount of Demand.
C. D			

The above sum of is due from the said C. D. in respect of

Certified this day of

A. B.

SCHEDULE C.

(*See section* 21.)

To

C. D. OF

SIR,

Take notice that a certificate under sections (15, 16, 18, *or* 19, *as the case may be)* of Act VII of 1868 of the Lieutenant-Governor of Bengal in Council of (*arrears of revenue or demand, as the case may be,)* No. , for the sum of Rs. , due from you on account of has been this day filed by me in my Office, and that I shall forthwith proceed to levy the amount according to law.

A. B.,
Collector of

This day of 18

SCHEDULE D.

(*See section* 22.)

To

The Collector of

The Petition of E. F., of

SHEWETH,

That a certificate under Act VII of 1868, passed by the Lieutenant-Governor of Bengal in Council, No. , for the sum of rupees , has been filed in your office on the day of 18

That your Petitioner is aggrieved by the said certificate.

That your Petitioner believes that such certificate is erroneous upon the grounds following, that is to say—

That the said grounds are, to the best of your petitioner's belief, true in fact.

Your petitioner therefore prays that the said certificate may be set aside (*or modified, or varied.*)

SCHEDULE E.

[*Repealed by Act No. XII of* 1873.]

ACT No. I OF 1869.

(*Received the assent of the Lieutenant-Governor on the 28th January* 1869, *and of the Governor-General on the 1st March* 1869.)

An Act for the Prevention of Cruelty to Animals.

Preamble.

WHEREAS it is expedient to make provision for the prevention of cruelty to animals; It is enacted as follows :—

Interpretation of "animal."

1. The word "animal" shall be taken to mean any domestic or tamed quadruped, or any domestic or tamed bird.

Penalty on cruelty to animals.

2. Every person who shall cruelly and wantonly beat, ill-treat, abuse, torture, overdrive, or overload, or cause to be beaten, ill-treated, abused, tortured, overdriven, or overladen, any animal, shall be liable to a fine which may extend to one hundred rupees.

Penalty on baiting animals, or inciting them to fight.

3. Every person who shall incite any quadrupeds or birds, whether domestic or wild, to fight, or shall bait any animal, or shall aid or shall abet any one in so doing, shall be liable to a fine which may extend to fifty rupees.

Penalty on permitting deceased animals to go at large or die in public places.

4. Every person who shall wilfully and knowingly permit any animal, of which he may be owner, to go at large in any public street, road, or thoroughfare, while such animal is affected with contagious or infectious disease, or shall wilfully permit any diseased or disabled animal, of which he may be owner, to die in any public street, road, or thoroughfare, shall be liable to a fine which may extend to one hundred rupees.

Penalty on employing animal unfit for labour.

5. Every person who shall employ or cause to be employed in any work or labour, any animal which, in consequence of any disease, infirmity, wounds, or sores, is unfit to be so employed, shall be liable to a fine which may extend to fifty rupees.

Trial of offences in Calcutta.

6. All complaints of offences against the provisions of this Act, alleged to have been committed in the Town of Calcutta, shall be heard and determined in a summary way by some * Presidency Magistrate of Calcutta.

Trial of offences out of Calcutta.

7. Every charge of an offence against the provisions of this Act, alleged to have been committed out of Calcutta, may be heard and determined by any officer authorized to exercise any of the powers of a Magistrate in the place in which such offence may be alleged to have been committed, and the provisions of the Code of Criminal Procedure shall apply to the trial of every such charge.

8. [*Repealed by Act No. XII of* 1873.]

Extent of Act.

9. This Act shall extend to the Town of Calcutta and to the Suburbs of the Town of Calcutta as defined by any notification under section 1 of the said Act II of 1866.

Power to extend Act.

10. It shall be lawful for the Lieutenant-Governor of Bengal, by an order published in the *Calcutta Gazette*, to extend this Act to any city, town, station, bazar, cantonment,

* Act No. IV of 1877, section 10.

village, district, or portion of a district, to be mentioned and defined in such order; and from time to time, by any order published as aforesaid, to revoke vary, amend, or alter any such order.

The Act has been extended to certain places in the district of Nuddea, *Calcutta Gazette*, 1869, p 1058; to Hooghly and Chinsurah, *ibid.*, January to June 1871, p. 219; to certain villages in the Purneah district between Caragolah and Titalyah, *ibid.*, 1875, p 106; to certain villages between Titalyah and border of Darjeeling district, *ibid.*, p. 1565; to the whole of the Darjeeling district, *ibid.*, 1876. p 1491; to the town of Burdwan, *ibid.*, 1546; to the North Suburban Town in the 24-Pergunnahs, *ibid.*, 1877, p. 120; to the town of Patna, *ibid.*, 1878, p. 209.

ACT No. II OF 1869.

(*Received the assent of the Lieutenant-Governor on the 28th January* 1869, *and of the Governor-General on the 9th March* 1869.)

An Act to ascertain, regulate, and record certain tenures in Chota Nagpore.

Preamble.

WHEREAS from a very early time certain tenures have existed in Chota Nagpore, known as Bhúinhári, held by persons claiming to be descendants of the original founders of the villages in which such lands are situated, or their assigns; and also certain similar tenures known as Bhút-Khetá, Dáli-Kátári, and Páhnái, consisting of lands set apart for the duties which the Village "Páhan," or Priest, is required to perform, and for his maintenance, and also other similar tenures known as "Mahtoai," consisting of lands allotted to the Village Mahto, or collector of rents; and whereas, where the above tenures are found, there are also lands known as Majhahas, reserved for the use of the respective proprietors of the villages; and at their absolute disposal, and also lands known as Bhet-Khetá, ordinarily assigned as remuneration to the villagers who work for the proprietor or his assigns on the Majhahas land; and whereas disputes have arisen rendering it desirable that these tenures should be defined and recorded, and a register made of all rights, privileges, immunities, and liabilities affecting the holders thereof; It is enacted as follows:—

Construction.

1. In the construction of this Act, the words and expressions following shall have the meanings hereinafter in this section attributed to them respectively, unless a contrary sense be apparent from the context:—

"Bhúinhári."

The word "Bhúinhári" shall include the tenures mentioned in the Preamble as Bhút-Khetá, Dáli-Kátári, Páhnái, and Mahtoai.

"Majhahas."

The word "Majhahas" shall include the tenure mentioned in the Preamble as Bhet-Khetá.

The words "The Special Commissioner" shall be taken to mean a Commissioner to be appointed for the purposes of this Act.

"The Special Commissioner."

2. It shall be lawful for the Lieutenant-Governor of Bengal, by an order published in the *Calcutta Gazette*, to appoint one or more persons, as may be judged expedient, to be a Commissioner or Commissioners for the purposes of this Act, and by an order, also published in the *Calcutta Gazette*, to define the limits within which each Special Commissioner so to be appointed shall exercise jurisdiction under this Act; and from time to time, in like manner, to vary or revoke any order made by the said Lieutenant-Governor under the provisions of this Act, and to appoint some other person or persons to be Commissioners for the purposes of this Act.

Power to appoint Commissioners for purposes of Act and fix jurisdiction.

3. Each Special Commissioner so appointed shall, with all convenient speed, investigate and ascertain the titles and tenures of all lands within the limits so assigned to him, which may be alleged by any person to be held upon Bhúinhári and Majhahas tenures respectively, and shall demarcate the same.

Duties of Special Commissioner.

4. In making such investigation, the Special Commissioner, in addition to all powers conferred on him by this Act, shall, as far as may be necessary for the purposes of this Act, exercise all such and the same powers as are conferred by Regulation VII of 1822, and the Regulations and Acts amending the same, upon a Collector making a settlement of land revenue.

Powers of Special Commissioner.

5. The Special Commissioner shall make an accurate Register, in such form as may from time to time be ordered by the Lieutenant-Governor of Bengal, of the lands which he may ascertain to belong to the Bhúinhári and Majhahas classes respectively; of the conditions to be fulfilled, and the rents and services to be rendered in respect of the several lands of those classes which he may ascertain to be held subject to any conditions, rents, or services; and of the rights and privileges to be enjoyed in respect of any such lands.

Contents of record.

6. In case it shall be proved to the Special Commissioner that any person, who within twenty years next before the passing of this Act held any lands of Bhúinhári or Majhahas tenure, has been wrongfully dispossessed of such lands, the Special Commissioner shall cause such person, or, in case of his being dead, the heir of such person, to be put in possession of such lands, and shall cause the name of the person so put in possession to be en-

Power to restore persons wrongfully dispossessed.

tered in the Register as the occupant of the said lands on any Bhúinhári or Majhahas tenure, as the case may be.

Presumption as to services to be rendered.

7. It shall be presumed that all lands which may be found under the provisions of this Act to be of Bhúinhári or Majhahas tenure respectively are rightly subject to the conditions, rents, and services upon which such lands respectively are found to be held at the time of the enquiry made by the Special Commissioner, unless it be proved that at some former time, within twenty years before the passing of this Act, such lands were held subject to and upon other and different conditions, rents, and services; in which case it shall be presumed that such lands are rightly subject to the conditions, rents, and services, subject to which they shall be proved to have been held at the earliest period within the said term of twenty years with respect to which such proof shall have been given.

Lands not to be registered if tenure commenced within 20 years.

8. No lands shall be registered as lands of Bhúinhári or of Majhahas tenure if it be proved that the occupation of such lands upon such tenure commenced within the term of twenty years before the passing of this Act, unless it be proved that such occupation was in pursuance or revival of an occupation upon such tenure rightfully enjoyed before the commencement of such term.

Power to apply for commutation of services.

9. Whenever any lands of Bhúinhári tenure are held subject to any conditions or services other than or besides the payment of a rent in money, it shall be lawful for the Bhúinhári tenant of such lands, or for any person who may have the immediate right of receiving the rents and services issuing from such lands (provided such last mentioned person has such right in perpetuity), or if there be no such person other than the zemindar, then for the zemindar, to apply in writing to the Special Commissioner for the commutation of all such conditions and services other than or besides the payment of a rent in money.

On such application notice to appoint assessors to be served.

10. On receipt of any such application, the Special Commissioner shall cause to be served upon each of the persons, who under the provisions of section nine would have a right to make such application, a notice in writing requiring such person, within ten days from the day of the service of such notice, to nominate, by notice in writing to the Special Commissioner, some person to act as assessor to the Special Commissioner in fixing the amount of rent which shall be payable in commutation for such conditions and services, and to be present before the Special Commissioner, and to cause such assessor to be there present upon some day to be named in such notice and not to be less than fifteen days from the day of the service of such notice.

Special Commissioner to hear application with assistance of assessors.

11. Upon the day which shall have been appointed by the Special Commissioner for the attendance of the parties and assessors as hereinbefore is provided, the Special Commissioner shall, with the assistance of any assessors who may have been, within the time hereinbefore respectively in that behalf mentioned, duly nominated as aforesaid, and who may be present, and if there be no such assessors, then without such assistance, proceed to consider and determine the amount of rent fairly and equitably to be payable in commutation of the conditions and services other than rent to which such tenure may be subject.

Decision to be by Special Commissioner.

12. The opinion of each assessor shall be given orally, and shall be recorded in writing by the Special Commissioner, but the decision is vested exclusively in the Special Commissioner.

Review of such decision to be heard by Special Commissioner alone.

13. In case any review of any decision under section twelve may be ordered, such review shall be heard and determined by the Special Commissioner without the assistance of assessors; and in case, in consequence of any order on appeal, a further enquiry into the subject-matter of any such decision may be necessary, such further enquiry may, if he shall so think fit, be heard and determined by the Special Commissioner without the assistance of assessors.

Power of appeal.

14. Any person who may be aggrieved by any decision or order of the Special Commissioner made under this Act, may appeal to the Commissioner of the Division against such decision or order by a petition; but no such petition shall be received after the expiration of three months from the date of such decision or order, unless sufficient cause for the delay be shown to the satisfaction of the said Commissioner of the Division, who shall have power to hear and determine the matter of every such petition of appeal.

Power to apply for review of judgment.

15. Any person considering himself aggrieved by any order or decision of the Special Commissioner from which no appeal shall have been preferred, or by any order of the Commissioner of the Division in appeal, may apply for a review of judgment by the officer by whom such order or decision was made.

Application for review to be made within a month.

16. Such application may be made within one month from the date of the order or decision and not afterwards.

Power to grant or refuse review.

17. If the Special Commissioner or the Commissioner of the Division, as the case may be, shall be of opinion that there are not any sufficient grounds for a review, he shall reject

the application; but if he shall be of opinion that the review desired is necessary to correct an evident error or omission, or is otherwise requisite for the ends of justice, the Special Commissioner or the Commissioner of the Division, as the case may be, shall grant the review, and his order in either case, whether for rejecting the application or granting the review, shall be final.

Review not to be granted without notice.

18. No review of an order or decision shall be granted until notice shall have been given to every person who had appeared in the proceedings in which such order or decision was made, and whose interest would be injuriously affected by the review desired.

On grant of application for review, re-hearing to be directed.

19. When an application for a review of judgment is granted, such order shall be made for re-hearing the matter in respect of which such order or decision shall have been made as may seem proper.

Decision to be final.

20. No decision or order of the Special Commissioner shall be in any way altered, varied, or reversed, save on review by the Special Commissioner under sections fifteen, sixteen, seventeen, eighteen, and nineteen of this Act, or by appeal to the Commissioner of the Division under section fourteen of this Act; and no suit shall be received in any Court to vary or set aside any such order or decision of the Special Commissioner, or any decision or order upon appeal or upon review by the Commissioner of the Division made under the provisions of this Act; and every such decision or order upon appeal by the Commissioner of the Division shall be final, unless it be altered, varied, or reversed by the said Commissioner on review under sections fifteen, sixteen, seventeen, eighteen, and nineteen of this Act.

No múkhtár nor vakíl to be heard.

21. No múkhtár nor vakíl shall, without the consent of the Special Commissioner, be heard in any proceeding before such Special Commissioner.

22. [*Repealed by Act No. VII of* 1870.]

Lieutenant-Governor may make rules.

23. It shall be lawful for the said Lieutenant-Governor from time to time to make such rules and orders as to him may seem fit for regulating the practice and procedure to be followed in making the enquiries, investigations, demarcations, and registers required by this Act, and all reviews thereof and appeals therefrom; and such rules and orders, when published in the *Calcutta Gazette*, shall have the same force and effect as if the same were a portion of this Act.

24. No judgment, decree, or order in any suit instituted after the passing of this Act, shall be evidence in any enquiry before the Special Commissioner respecting the tenure upon which any land is held, or the rents, services, or conditions to which any land is subject.

Effect of judgment in suits commenced after Act passed.

25. The Register of each village, prepared under the provisions of section five of this Act, shall, when finally revised and corrected in accordance with any decisions and orders of the Special Commissioner and the Commissioner of the Division under this Act, be confirmed by the Commissioner of the Division, and such confirmation shall be published forthwith in the *Calcutta Gazette.*

Register to be confirmed and published.

26. Every Register to be prepared under this Act, after publication of the confirmation thereof in pursuance of the section next preceding, shall be conclusive evidence of all matters recorded in such Register in pursuance of this Act; and from and after such publication of the confirmation of the Register relating to any village, no evidence shall be received that any lands in such village not mentioned in such Register are of Bhúinhári or of Majhahas tenure.

Register to be conclusive evidence of matters recorded thereon.

27. This Act shall be called "The Chota Nagpore Tenures' Act, 1869."

Short title.

ACT No. III OF 1869.

(*Received the assent of the Lieutenant-Governor on the 29th July* 1869, *and of the Governor-General on the 13th August* 1869.)

An Act to enable Police Officers to arrest without Warrant persons guilty of Cruelty to Animals.

WHEREAS it is expedient to enable Police Officers in certain places to arrest without warrant any person committing, within their view, any offence against Act I of 1869, passed by the Lieutenant-Governor of Bengal in Council, entitled "an Act for the prevention of Cruelty to Animals;" It is enacted as follows :—

Preamble.

1. Every Police Officer may arrest without a warrant any person committing, in his view, any offence against the said Act I of 1869.

Power to arrest without warrant persons guilty of cruelty.

2. This Act shall apply to the Town of Calcutta, as defined in Act IV of 1866, passed by the Lieutenant-Governor of Bengal in Council, and in the Surburbs of the Town

Act to apply to Calcutta and suburbs.

of Calcutta, as the same may, from time to time, be defined by any notification to be from time to time published by the said Lieutenant-Governor, in pursuance of the provisions of Act II of 1866, and save as hereinafter is provided, to such Town and Suburbs only.

Power to extend Act.

3. It shall be lawful for the Lieutenant-Governor of Bengal by a notification to be published in the *Calcutta Gazette,* to extend this Act to any town, suburb, district, or tract of country, to be mentioned and defined in such notification; and from and after the publication of such notification, this Act shall extend and apply to the town, suburb, district, or tract of country therein mentioned and defined.

The Act has been extended to certain places in the district of Nuddea, *Calcutta Gazette,* 1869, p. 1874; to the whole of the Darjeeling district. *ibid.*, 1876, p 1491; to the town of Burdwan, *ibid.*, p. 1546; to the North Suburban Town in the 24 Pergunnahs, *ibid*, 1877, p. 120; to the town of Patna, 1878, *ibid.*, p. 209.

ACT No. V OF 1869.

(*Received the assent of the Lieutenant-Governor on the 12th August* 1869, *and of the Governor-General on the 26th idem*)

An Act to empower the Lieutenant-Governor of Bengal to direct Courts of Session to be held in different towns in a District.

Preamble.

WHEREAS doubts have arisen whether cases committed for trial to any Court of Session can be legally tried by such Court at any place other than the usual place of sitting of the Court of Session or the Head-Quarters of the Magistrate of a District; and whereas it is expedient that such doubts should be removed, and that provision should be made for the various Courts of Session sitting at places other than their usual places of sitting, or the Head-Quarters of Magistrates of Districts; It is enacted and declared as follows:—

Trials may be held in any place in a District.

All trials which may have heretofore been held, or may hereafter be held, before any Court of Session at any place which may have been, or which shall be appointed by the Lieutenant-Governor and approved by the High Court as a place for holding such Court of Session, shall, if such place be within the District of the Judge of such Court of Session, although it be not the usual place of sitting of such Court, nor the Head-Quarters of the Magistrate of a District, be as good and valid in law as if the place at which they had been held had been the usual place of sitting of the Court of Session or the Head-Quarters of the Magistrate of a District.

ACT No. VII OF 1869.

(Received the assent of the Lieutenant-Governor on the 26th August 1869, and of the Governor-General on the 18th September 1869.)

An Act to amend the Constitution of the Police Force in Bengal.

Preamble.

WHEREAS it is expedient that the entire Police Establishment in the provinces under the control of the Lieutenant-Governor of Bengal should cease to be one Police Force, and that the said provinces should cease to be one General Police District under one Inspector-General; It is enacted as follows:—

Repeal of section 2, Act V of 1861.

1. Section 2 of Act V of 1861 is repealed, so far as it relates to the provinces under the control of the Lieutenant-Governor of Bengal.

Power to divide the provinces into Police Districts.

2. It shall be lawful for the Lieutenant-Governor of Bengal, from time to time, to divide the said provinces into as many General Police Districts as he may think fit: and from time to time to vary and alter any of such General Police Districts, or to consolidate two or more of such General Police Districts into one District, as he may think fit.

Power to appoint in Districts persons to execute duties of Inspector-General.

3. It shall be lawful for the said Lieutenant-Governor, in each such General Police District, to appoint some person to exercise in such District the powers of an Inspector-General of Police, whether such person shall or shall not hold any other office under the said Lieutenant-Governor; and the administration of the Police throughout such General Police District, and all powers and authorities by the said Act V of 1861 or any other Act conferred on an Inspector-General of Police, shall be vested in such person.

Police Establishment in each District to be considered one Police Force.

4. The entire Police Establishment in every such District shall, for the purposes of the said Act V of 1861, be deemed to be one Police Force, and shall be formally enrolled, and shall consist of such number of officers and men, and shall be constituted in such manner, and the members of such Force shall receive such pay, as shall from time to time be ordered by the said Lieutenant-Governor, subject to the sanction of the Governor-General of India in Council.

Power to employ Police out of District.

5. It shall be lawful for the Lieutenant-Governor to employ members of the Police Force who have been enrolled in, or appointed to, any one General Police District, in any other General Police District within the provinces subject to his control;

and the powers conferred on Police Officers by the Code of Criminal Procedure may be by them exercised in any portion of the said provinces without reference to the local limits of the General Police District to which they may respectively belong.

Construction of Act.

6. This Act shall be read and taken in the Provinces under the control of the Lieutenant-Governor of Bengal as part of the said Act V of 1861.

THE LANDLORD AND TENANT PROCEDURE ACT, 1869.

CONTENTS.

PREAMBLE.

PART I.

PRELIMINARY.

SECTION.

1.—Definition of Collector.

PART II.

RIGHTS OF RYOTS WITH REGARD TO RENT.

2.—Ryots entitled to a pottah.

3.—Ryots holding land at fixed rates to receive pottahs.

4.—Presumption if rent of land be not changed for twenty years.

5.—Ryots having right of occupancy, but not holding at fixed rates, to receive pottah.

6.—Right of occupancy of ryot cultivating or holding land for twelve years.

7.—Saving of terms of written contracts.

8.—Pottahs to which ryots not having rights of occupancy are entitled.

9.—If, on trial of suit for delivery of pottah, parties do not agree as to the term of pottah, Court to fix the same.

Term of pottah.

Term of pottah for non-occupancy cultivators.

10.—Person granting pottah entitled to a counterpart engagement.

11.—Damages for exactions in excess of rent or for receipt withheld.

Form of receipt.

12.—Landholder not to compel the attendance of tenant for adjustment of rent or for any other purpose.

13.—Damages for extorting payment of rent by duress.

PART III.

Enhancement and Abatement of Rent.

14.—Enhancement of rent of ryot holding without, or after expiry, &c., of written engagements.

15.—Mode of contesting enhancement of rent.

16.—Dependent talookdars, &c., holding land at fixed rent without change since Permanent Settlement, not liable to enhancement.

17.—Rent of talookdar, &c., not changed for twenty years, to be *primâ facie* evidence of occupancy at that rent since the Permanent Settlement.

18.—Grounds on which occupancy ryot is liable to enhanced rent.

That the rate paid by him is below that prevailing in adjacent places.

That the value of the land, &c., has increased independently of the ryot.

That the quantity of land held by the ryot is greater than he has paid rent for.

19.—When ryot may claim abatement of rent.

PART IV.

Relinquishment of Land, Ejectment, and Cancelment of Lease.

20.—Relinquishment of land by ryot after notice given.

Notice may be served through Collector.

21.—Definition of arrear of rent.

22.—Liability of ryot to be ejected for arrear due.

23.—Liability of farmer to have his lease cancelled for arrear adjudged due.

PART V.

Suits against Surburakars, &c., Proprietors' Right to survey, and Registry of Transfers of Talookdars.

24.—Suits by or against surburakars or tehsildars of estate held khas.

25.—Proprietor's right to survey and measure his estate.

26.—Registry of transfers of talookdars.

Zemindar must admit to registry.

PART VI.

Limitation of Suits.

27.—Limitation of certain suits.

28.—Limitation of suits for grant of pottahs, &c.

29.—Limitation of suits for arrears of rent.

30.—Limitation of suits against agents for money, papers, or accounts.

31.—Suit for further balance to be instituted within six months of service of notice of deposit.

32.—Naibs or gomastahs to be deemed in certain cases authorized agents under the Code of Civil Procedure.

PART VII.

Jurisdiction in Rent Suits.

33.—Cognizance of suits under this Act.
34.—Proceedings to be regulated by Code of Civil Procedure.
35.—Jurisdiction in certain suits.
36.—Provision when cause of action arises in different jurisdictions.

PART VIII.

Measurement of Land.

37.—Proceedings in case of opposition made to the measurement of land.
38.—Measurement of land when it cannot be ascertained who are the persons liable to pay rent.
When Collector may declare lands to have lapsed to applicant.
Procedure on good cause being shown for non-appearance.
39.—Proceedings on completion of measurement.
40.—Collector's powers.
41.—Measurement to be made by the pergunnah pole.

PART IX.

Register of Suits and Form of Plaint.

42.—Register of suits.
43.—Form of plaint in suits for arrears of rent.

PART X.

Damages, Compensation, and Payment into Court.

44.—The Court may, in certain cases, award to the plaintiff additional damages not exceeding 25 per cent.
45.—The Court may award compensation not exceeding 25 per cent. on the amount sued for, to a defendant improperly sued.
46.—Under-tenant or ryot may, after tender, &c., pay into Court, without any action being brought against him, what he admits to be due to his zemindar, &c.
Payment into Court to have effect of payment to zemindar or other person entitled.
47.—Deposit to be received in Court.
On receipt of deposit Court to issue notice.
Drawing out of deposit.
48.—After action brought, defendant may pay into Court, without costs, money tendered before action brought.
Costs if plaintiff goes on and recovers no more.
49.—If no previous tender has been made, defendant may pay into Court what he admits to be due, with costs on that sum.
Costs if plaintiff goes on and recovers no more.

PART XI.

Arrest before Judgment, Mesne Profits, and Suits for Ejectment or Cancelment of Lease.

50.—No warrant of arrest before judgment.
51.—Mesne profits may be claimed in suits for recovery of land.
52.—Suits for ejectment or cancelment of lease.

PART XII.

Execution.

53.—Court to issue immediate execution in certain cases.
54.—In such cases, execution not to be stayed pending appeal.
55.—If person required by the decree refuse to grant pottah, Court may do so.
56.—Refusal to execute kabuliat as required by the decree.
57.—Process not to issue simultaneously against both person and property.
58.—No execution to be issued after three years from date of judgment.
59.—Procedure on sale of certain under-tenures.
60—Contents of notice of sale of under-tenure.
61.—Under-tenures not to be sold while other execution in force.
62.—How the sale may be stayed by person interested in under-tenure.
63.—In case of claim by third party, Court to stay sale, upon decree being paid or secured.
Non-registered transfers not to be recognized.
64.—Execution of decrees given in favor of sharers in undivided estates or tenures.
Mode of execution.
65.—Execution of certain money-decrees.
66.—Purchaser to acquire the under-tenure, with certain exceptions, free of incumbrances.
67.—Zemindar how to proceed if purchaser do not register.

PART XIII.

Distraint.

68.—Recovery of arrear of rent by distraint.
Cultivators who have given security to be exempt from distraint.
Sharer to exercise distraint through a manager.
69.—No distraint in certain cases.
70.—Power of distraint to be exercised by managers under the Court of Wards, &c.
71.—Standing crops and crops gathered but not stored liable to distraint.
72.—Defaulter to be served with a written demand, &c., before or at the time of distraint.
73.—Distress to be proportionate to the arrear if not paid or tendered.

74.—Standing crops, &c., to be reaped and stored by the cultivator, or, if he neglect to do so, by the distrainer.

Sale of crops and products which cannot be stored.

75.—Distrainer may apply for aid to the Court if resistance made or apprehended.

76.—Persons empowered to distrain may give written authority to their servants to do so.

77.—Distress to be withdrawn on payment of arrear and expenses of distress.

78.—Application for sale.

79.—Form of application. Deposit of cost of notice.

80.—Procedure by Civil Court on receipt of application

81.—Sale to be suspended when suit instituted.

82.—Suit to contest distrainer's demand before issue of notice of sale.

83.—Distress to be withdrawn on receipt of Courts' certificate that the owner has given sufficient security.

84.—Value of claim in suits disputing distress.

85.—When sale may be proceeded with.

86.—Place and mode of sale.

87.—If fair price be not offered, sale may be postponed to another day, and shall then be completed at whatever price may be offered.

88.—Payment of purchase-money.

89.—Proceeds of sale.

90.—Officers holding sales prohibited from purchasing.

91.—All irregularities to be reported to the Court.

92.—Recovery of expenses if officer proceed to place of sale and no sale takes place.

When expenses to be paid by distrainer.

93.—Proceedings of officers, &c., subject to revision and orders of Court.

94.—Second proclamation of sale.

95.—Procedure after institution of suit to contest distrainer's demand.

96.—Any person claiming property which has been distrained for arrears of rent alleged to be due from another, may institute a suit against the distrainer.

Procedure if claim is dismissed.

If claim is upheld.

97.—Persons prevented from suing in time to save their property from sale, may sue for damages.

98.—Also persons aggrieved by illegal act of distrainer.

99.—Unlawful distraint.

100.—Time for commencing suits for damages.

101.—Procedure on resistance to distraint, &c.

PART XIV.

MISCELLANEOUS.

102.—No appeal from any decree of the District Judge for money below Rs. 100, unless it involve the right to enhance rent or a title to land.

103.—Review of judgment.

104.—Small Cause Court not to have jurisdiction.

105.—Power to issue process free of charge.

106.—Application of Act.

107.—Certain enactments to cease to have operation in places in which this Act takes effect.

108.—Pending suits to be carried on under former practice.

109.—Act not to affect powers conferred by the Chota Nagpore Tenures Act.

110.—Act VII of 1868 saved.

111.—Short title.

FOUR SCHEDULES.

ACT No. VIII OF 1869.

(*Received the assent of the Lieutenant-Governor on the 21st August* 1869, *and of the Governor-General on the 15th October* 1869.)

An Act to amend the procedure in suits between Landlords and Tenants.

PART I.

Preamble.

WHEREAS it is expedient to amend the procedure in suits between Landlords and Tenants in the Provinces subject to the Lieutenant-Governor of Bengal; It is enacted as follows:—

PRELIMINARY.

Definition of "Collector."

1. In the construction of this Act the word "Collector" shall include a Deputy Collector in charge of a Sub-Division, or other officer exercising the powers of a Collector of a District or of a Deputy Collector in charge of a Sub-Division, by whatever designation such officer may be called.

PART II.

RIGHTS OF RYOTS WITH REGARD TO RENT.

Ryots entitled to a pottah.

2. Every ryot is entitled to receive from the person to whom the rent of the land held or cultivated by him is payable, a pottah containing the following particulars:—

The quantity and boundaries of the land; and, where fields have been numbered in a Government survey, the number of each field.

The amount of annual rent.

The instalments in which the same is to be paid.

And any special conditions of the lease.

If the rent is payable in kind, the proportion of produce to be delivered and the time and manner of delivery.

Ryots holding land at fixed rates to receive pottahs.

3. Ryots who, in any province to which this Act may apply, hold lands at fixed rates of rent, which shall not have been changed from the time of the Permanent Settlement of such province, are entitled to receive pottahs at those rates.

Presumption if rent of land be not changed for 20 years.

4. Whenever, in any suit under this Act, it shall be proved that the rent at which land is held by ryot in any such province has not been changed for a period of twenty years before the commencement of the suit, it shall be presumed that the land has been held at that rent from the time of the Permanent Settlement, unless the contrary be shown, or unless it be proved that such rent was fixed at some later period.

Ryots having right of occupancy, but not holding at fixed rates, to receive pottahs.

5. Ryots having rights of occupancy, but not holding at fixed rates as described in the two preceding sections, are entitled to receive pottahs at fair and equitable rates. In case of dispute, the rate previously paid by the ryot shall be deemed to be fair and equitable, unless the contrary be shown in a suit by either party under the provisions of this Act.

Right of occupancy of ryot cultivating or holding land for 12 years.

6. Every ryot who shall have cultivated or held land for a period of twelve years shall have a right of occupancy in the land so cultivated or held by him, whether it be held under pottah or not, so long as he pays the rent payable on account of the same; but this rule does not apply to khamar, nij-jote, or sir land belonging to the proprietor of the estate or tenure and let by him on lease for a term, or year by year, nor (as respects the actual cultivator) to lands sub-let for a term, or year by year, by a ryot having a right of occupancy. The holding of the father or other person from whom a ryot inherits shall be deemed to be the holding of the ryot within the meaning of this section.

Saving of terms of written contracts.

7. Nothing in the last preceding section shall be held to affect the terms of any written contract for the cultivation of land entered into between a landholder and a ryot, when it contains any express stipulation contrary thereto.

Pottahs to which ryots not having rights of occupancy are entitled.

8. Ryots not having rights of occupancy are entitled to pottahs only at such rates as may be agreed on between them and the persons to whom the rent is payable.

9. If, on the trial of a suit for the delivery of a pottah instituted by a ryot having a right of occupancy, the parties do not agree as to the term for which the pottah is to be granted, the Court shall fix such term as, under the circumstances of the case, may seem just and proper;

If, on trial of suit for delivery of pottah, parties do not agree as to the term of pottah, Court to fix the same.

provided that the term shall not, in any case, be longer than ten years, and, in estates not permanently settled, shall not extend beyond the period for which the proprietor of the estate has engaged with Government: provided also that if the defendant be a farmer or other person having only a temporary interest in the land, the term of the pottah shall not extend beyond the period of the continuance of such interest.

Term of pottah.

For cultivators not having a right of occupancy the term of pottah shall be exclusively in the discretion of the person entitled to the rent of the land.

Term of pottah for non-occupancy cultivators.

10. Every person who grants a pottah is entitled to receive from the person to whom the pottah is granted, a kabuliat or counterpart engagement in conformity with the terms of the pottah. The tender to any ryot of a pottah, such as the ryot is entitled to receive, shall be held to entitle the person to whom the rent is payable to receive a kabuliat from such ryot.

Person granting pottah entitled to a counterpart engagement.

11. Every under-tenant or ryot, from whom any sum is exacted in excess of the rent specified in his pottah, or payable under the provisions of this Act, whether as abwab or under any other pretext, and every under-tenant, ryot, or cultivator, from whom a receipt is withheld for any sum of money paid by him as rent, shall be entitled to recover from the person receiving such rent damages not exceeding double the amount so exacted or paid.

Damages for exactions in excess of rent or for receipt withheld.

Receipts for rent shall specify the year or years on account of which the rent is acknowledged to have been paid; and any refusal to make such specification shall be held to be a withholding of a receipt.

Form of receipt.

12. All power at any time heretofore vested in zemindars and other landholders of compelling the attendance of their tenants for the adjustment of their rents or for any other purpose is withdrawn, and all such persons are prohibited from adopting any means of compulsion for enforcing payment of the rents due to them other than by suit or distress, or otherwise under the provisions of this Act.

Landholder not to compel the attendance of tenant for adjustment of rent or for any other purpose.

Damages for extorting payment of rent by duress.

13. If payment of rent, whether the same be legally due or not, is extorted from any under-tenant or ryot by illegal confinement or other duress, such under-tenant or ryot shall be entitled to recover such damages, not exceeding in any case the sum of two hundred rupees, as may be deemed a reasonable compensation for the injury done him by such extortion. An award of compensation under this section shall not bar or affect any penalty or punishment to which the person practising such extortion may be subject by law.

PART III.

ENHANCEMENT AND ABATEMENT OF RENT.

Enhancement of rent of ryot holding without, or after expiry, &c., of written engagements.

14. No under-tenant or ryot, who holds or cultivates land without a written engagement, or under a written engagement not specifying the period of such engagement, or whose engagement has expired or has become cancelled in consequence of the sale for arrears of rent or revenue of the tenure or estate in which the land held or cultivated by him is situate, and has not been renewed, shall be liable to pay any higher rent for such land than the rent payable for the previous year, unless a written notice shall have been served on such under-tenant or ryot, in districts or parts of districts where the Fuslee year prevails, in or before the month of Jeyt, and in districts or parts of districts where the Bengalee year prevails, in or before the month of Pous, specifying the rent to which he will be subject for the ensuing year, and the ground on which an enhancement of rent is claimed.

Service of notice.

Such notice shall be served by order of the Collector in whose jurisdiction the lands are situate, on the application of the person to whom the rent is payable, and shall, if practicable, be served personally upon the under-tenant or ryot. If for any reason the notice cannot be served personally upon the under-tenant or ryot, it shall be affixed at his usual place of residence; or, if he have no such place of residence in the district in which the land is situate, the mode of service of such notice shall be by affixing it at the mâl cutcherry of such land or other conspicuous place thereon, or at the village chowree or chowpal, or at some other conspicuous place in the village in which the land is situate.

Mode of contesting enhancement of rent.

15. Any under-tenant or ryot, on whom such notice as aforesaid has been served, may contest his liability to pay the enhanced rent demanded of him either by complaint of excessive demand of rent as hereinafter provided, or in answer to any suit preferred against him for recovery of arrears of the enhanced rent.

16. No dependent talookdar, or other person possessing a permanent transferable interest in land intermediate between the proprietor of an estate and the ryot, who, in any province to which the provisions of this Act may apply, holds his talook or tenure (otherwise than under a terminable lease) at a fixed rent which has not been changed from the time of the Permanent Settlement, shall be liable to any enhancement of such rent, anything in section 51, Regulation VIII of 1793, or in any other law, to the contrary notwithstanding.

Dependent talookdar, &c., holding land at fixed rent without change since Permanent Settlement, not liable to enhancement.

17. Whenever, in any suit under this Act, it shall be proved that the rent at which a talook or other tenure is held in the said provinces has not been changed for a period of twenty years before the commencement of the suit, it shall be presumed that such talook or tenure has been held at that rent from the time of the Permanent Settlement, unless the contrary be shown, or it be proved that such rent was fixed at some later period.

Rent of talookdar, &c., not changed for twenty years, to be *primâ facie* evidence of occupancy at that rent since the Permanent Settlement.

18. No ryot, having a right of occupancy, shall be liable to an enhancement of the rent previously paid by him, except on some one of the following grounds, namely :—

Grounds on which occupancy ryot is liable to enhanced rent.

That the rate of rent paid by such ryot is below the prevailing rate payable by the same class of ryots for land of a similar description and with similar advantages in the places adjacent.

That the rate paid by him is below that prevailing in adjacent places.

That the value of the produce or the productive powers of the land have been increased otherwise than by the agency or at the expense of the ryot.

That the value of the land, &c., has increased independently of the ryot.

That the quantity of land held by the ryot has been proved by measurement to be greater than the quantity for which rent has been previously paid by him.

That the quantity of land held by the ryot is greater than he has paid rent for.

19. Every ryot having a right of occupancy shall be entitled to claim an abatement of the rent previously paid by him, if the area of the land has been diminished by diluvion or otherwise, or if the value of the produce or the productive powers of the land have been decreased by any cause beyond the power of the ryot, or if the quantity of land held by the ryot has been proved by measurement to be less than the quantity for which rent has been previously paid by him.

When ryot may claim abatement of rent.

PART IV.

RELINQUISHMENT OF LAND, EJECTMENT, AND CANCELMENT OF LEASE.

Relinquishment of land by ryot after notice given.

20. Any ryot, who desires to relinquish the land held or cultivated by him, shall be at liberty to do so provided he gives notice of his intention, in writing, to the person entitled to the rent of the land or his authorized agent, in districts or parts of districts where the Fuslee year prevails, in or before the month of Jeyt, and in districts or parts of districts where the Bengalee year prevails, in or before the month of Pous, of the year preceding that in which the relinquishment is to have effect. If he fail to give such notice, and the land is not let to any other person, he shall continue liable for the rent of the land.

Notice may be served through Collector.

If the person entitled to the rent of the land, or his agent, refuse to receive any such notice, and to sign a receipt for the same, the ryot may make an application to the Collector in whose jurisdiction the lands are situate, who shall thereupon cause the notice to be served on such person or his agent in the manner provided in section fourteen.

Definition of arrear of rent.

21. Any instalment of rent which is not paid on or before the day when the same is payable according to the pottah or engagement, or if there be no written specification of the time of payment, at or before the time when such instalment is payable according to established usage, shall be held to be an arrear of rent under this Act, and, unless otherwise provided by written agreement, shall be liable to interest at twelve per centum per annum.

Liability of ryot to be ejected for arrear due.

22. When an arrear of rent remains due from any ryot at the end of the Bengalee year or at the end of the month of Jeyt of the Fuslee or Willayuttee year, as the case may be, such ryot shall be liable to be ejected from the land in respect of which the arrear is due; provided that no ryot having a right of occupancy, or holding under a pottah the term of which has not expired, shall be ejected otherwise than in execution of a decree or order under the provisions of this Act.

Liability of farmer to have his lease cancelled for arrear adjudged due.

23. When an arrear of rent shall be adjudged to be due from any farmer or other lease-holder not having a permanent or transferable interest in the land, the lease of such lease-holder shall be liable to be cancelled, and the lease-holder to be ejected: provided that no such lease shall be cancelled nor the lease-holder ejected otherwise than in execution of a decree or order under the provisions of this Act.

PART V.

Suits against Surburakars, Proprietor's Right to survey, and Registry of Transfers of Talookdars.

Suits by or against surburakars or tehsildars of estates held khas.

24. All suits which under the provisions of this Act may be brought by or against zemindars or other persons in the receipt of the rent of land, may be brought by or against surburakars or tehsildars of estates held under khas management, whether such estates are the property of Government or of individuals.

Proprietor's right to survey and measure his estate.

25. Every proprietor of an estate or tenure, or other person in receipt of the rents of an estate or tenure, has the right of making a general survey and measurement of the lands comprised in such estate or tenure, or any part thereof, unless restrained from doing so by express engagement with the occupants of the lands.

Registry of transfers of talookdars, &c.

26. All dependent talookdars and other persons possessing a permanent transferable interest in land intermediate between the zemindar and the cultivator, are required to register, in the sheristah of the zemindar or superior tenant to whom the rents of their talooks or tenures are payable, all transfers of such talooks or tenures or portions of them, by sale, gift, or otherwise, as well as all successions thereto, and divisions among heirs in cases of inheritance.

Zemindar must admit to registry.

And every zemindar or superior tenant is required to admit to registry and otherwise give effect to all such transfers when made in good faith, and all such successions and divisions; provided that no zemindar or superior tenant shall be required to admit to registry or give effect to any division or distribution of the rent payable on account of any such tenure, nor shall any such division or distribution of rent be valid and binding without the consent, in writing, of the zemindar or superior tenant.

PART VI.

Limitation of Suits.

Limitation of certain suits.

27. All suits instituted for the recovery of damages on account of the illegal exaction of rent, or of any unauthorised cess or impost, or on account of the refusal of receipts for rent paid, or on account of the extortion of rent by confinement or other duress, or on account of the excessive demand of rent, and all suits for abatement of rent,

and all suits to eject any ryot or to cancel any lease on account of the non-payment of arrears of rent, or of the breach of the conditions of any contract by which a ryot may be liable to be ejected, or a lease may be liable to be cancelled,

and all suits to recover the occupancy of any land, farm or tenure from which a ryot, farmer, or tenant has been illegally ejected by the person entitled to receive rent for the same,

and all suits arising out of the exercise of the power of distraint for arrears of rent conferred on zemindars and others by this or any other Act, or out of any acts done under color of the exercise of the said power,

shall be commenced within the period of one year from the date of the accruing of the cause of action, and not afterwards.

Limitation of suits for grant of pottahs, &c.

28. Suits for the delivery of pottahs or kabuliats, and for the determination of the rates of rent at which such pottahs or kabuliats are to be delivered, may be instituted at any time during the tenancy.

Limitation of suits for arrears of rent

29. Suits for the recovery of arrears of rent shall be instituted within three years from the last day of the Bengal year, or from the last day of the month of Jeyt of the Fuslee or Willayuttee year in which the arrear claimed shall have become due: provided that if the suit be for the recovery of rent at a higher rate than was payable in the previous year, such rent having been enhanced after issue of notice under section 13 of Act X of 1859, or under section fourteen of this Act, and the enhancement not having been confirmed by any competent Court, the suit shall be instituted within three months from the end of the Bengal year, or of the month of Jeyt of the Fuslee or Willayuttee year, on account of which such enhanced rent is claimed.

Limitation of suits against agents for money, papers, or accounts.

30. Suits for the recovery of money in the hands of an agent or for the delivery of accounts or papers by an agent, may be brought at any time during the agency or within one year after the determination of the agency of such agent: provided that if the person having the right to sue shall, by means of fraud, have been kept from the knowledge of the receipt of any such money by the agent, or if any fraudulent account shall have been rendered by the agent, the suit may be brought within one year from the time when the fraud shall have been first known to such person; but no such suit shall in any case be brought at any time exceeding three years from the termination of the agency.

31. Whenever a deposit on account of rent shall have been made under the provisions of this Act, or of Act VI of 1862, passed by the Lieutenant-Governor of Bengal in Council, no suit shall be brought against the person making the deposit, or his representatives, on account of any rent which accrued due prior to the date of the deposit, unless such suit be instituted within six months from the date of the service of the notice in section 5 of the said Act VI of 1862, or in section forty-seven of this Act mentioned.

Suit for further balance to be instituted within six months of service of notice of deposit.

32. Every naib or gomastah thereto specially authorised by any writing under the hand of his employer shall, for the purposes of all suits for any of the causes of action mentioned in section twenty-seven, twenty-eight, twenty-nine, or thirty of this Act, be deemed to be the recognized agent of such employer within the meaning of *section 37 of the Code of Civil Procedure, though such employer may be within the jurisdiction of the Court in which such naib or gomastah may appear or make any application.

Naibs or gomastahs to be deemed in certain cases authorized agents under the Code of Civil Procedure.

PART VII.

Jurisdiction in Rent Suits.

33. From and after the time when this Act shall commence and take effect in any place, the jurisdiction, save as regards any suits or proceedings then pending, of the Collectorate Courts in such place, under Act X of 1859 of the Governor-General in Council, and Act VI of 1862 of the Council of the Lieutenant-Governor of Bengal, to entertain suits, shall cease: and all suits brought for any cause of action arising under either of those Acts or this Act shall, from such time and in such place, be cognizable by the Civil Courts according to their several jurisdictions.

Cognizance of suits under this Act.

34. Save as in this Act is otherwise provided, suits of every description brought for any cause of action arising under this Act, and all proceedings therein, shall be regulated by the Code of Civil Procedure and by such further and other enactments of the Governor-General in Council in relation to Civil Procedure as now are, or from time to time may be, in force; and all the provisions of the said Act and of such other enactments shall apply to such suits.

Proceedings to be regulated by the Code of Civil Procedure.

35. The cause of action in suits brought for the delivery of any pottah or kabuliat, or for the cancelment of any lease, for the determination of rates of rent, for illegal exactions

Jurisdiction in certain suits.

* Act No. X of 1877, section 3, para. 2.

of rent, cess, or impost, for refusal of receipts for rent paid, for extortion of rent, for excessive demand of rent, for abatement of rent, for arrears of rent, and for refusing to register transfers, successions, or divisions under section twenty-six, shall be deemed to have arisen within the jurisdiction of the Court which would have had jurisdiction to entertain a suit for the recovery of the land or other immoveable property in relation to which the cause of action arose, and shall be brought in such Court and in no other Court.

Provision when cause of action arises in different jurisdictions.

36. If the land which by the provisions of the next preceding section determines the place in which the cause of action in the suits in the said section mentioned shall be deemed to have arisen, be situate within the jurisdiction of different Courts, the provisions of *section 19 of the Code of Civil Procedure shall apply to such suits, as if the same had been suits for the recovery of such land.

PART VIII.

Measurement of Land.

Proceedings in case of opposition made to the measurement of land.

37. If any person intending to measure any land which he has a right to measure, is opposed in making such measurement by the occupant of the land; or if any under-tenant or ryot, having received notice of the intended measurement of land held or cultivated by him, which is liable to such measurement, refuses to attend and point out such land, the person claiming the right to measure such land may apply to establish his right to measure such land in the Court which would have jurisdiction in case such suit had been brought for the recovery of such land, and such Court shall hear and determine the right to make such measurement, and, if the case shall so require, shall make an order enjoining or excusing the attendance of any such under-tenant or ryot. If any under-tenant or ryot, after the issue of an order enjoining his attendance, neglects to attend and to point out the land, it shall not be competent to him to contest the correctness of the measurement made, or any of the proceedings held in his absence.

Measurement of land when it cannot be ascertained who are the persons liable to pay rent.

38. If the proprietor of an estate or tenure, or other person entitled to receive the rents of an estate or tenure, is unable to measure the lands comprised in such estate or tenure or any part thereof, by reason that he cannot ascertain who are the persons liable to pay rent in respect of the lands or any part of the lands comprised therein, such proprietor or other person may apply to the Court which would have had jurisdiction in case a suit had been brought for the recovery of such lands, and such Court

* Act No. X of 1877, section 3, para. 2.

thereupon, and on the necessary costs being deposited therein by the applicant, shall order such lands to be measured, and shall cause a copy of such order to be transmitted to the Collector in whose jurisdiction the lands are situate, together with the sum so deposited for costs, and the Collector shall thereupon proceed to measure such lands, and shall ascertain and record the names of the persons in occupation of the same, or, on the special application of the proprietor or other person aforesaid, but not otherwise, shall proceed to ascertain, determine, and record the tenures and under-tenures, the rates of rent payable in respect of such lands and the persons by whom respectively the rents are payable.

When Collector may declare lands to have lapsed to applicant.

If, after due enquiry, the Collector shall be unable to cause such lands to be measured, or to ascertain or record the names of the persons in occupation of the same, or if he shall (in any case in which such special application shall have been made as aforesaid) be unable to ascertain who are the persons having tenures or under-tenures in such lands, or any part thereof, then and in any such case such Collector may declare the same to have lapsed to the party on whose application such enquiry may have been made.

Procedure on good cause being shown for non-appearance.

If any person, within fifteen days after such Collector shall have recorded the name of such person as being in occupation of such land, or any part thereof, or shall have declared a tenure to have lapsed, shall appear and show good and sufficient cause for his previous non-appearance, and satisfy such Collector that there has been a failure of justice, such Collector may upon such terms or conditions as may seem fit, alter or rescind such order according to the justice of the case.

Proceedings on completion of measurement.

39. The Collector shall, as soon as conveniently may be, after he shall have finally completed any such measurement and record, return a copy thereof to the Court by which such measurement had been ordered, and such Court shall receive and record the same; and every decision of the Collector made in pursuance of the provisions of section thirty-eight shall be appealable as if the same had been an order of the Court into which such copy had been returned, made upon the day on which such copy was so returned; but save as aforesaid, every decision of such Collector made in pursuance of the provisions of section thirty-eight shall be final.

Collector's powers.

40. The provisions of the said *Code of Civil Procedure and the Acts amending the same, or of any other Act or Acts for the time being in force in Civil Courts in Bengal

* Act X of 1877, section 3, para 2.

relating to the evidence of witnesses, to procuring the attendance of witnesses, and the production of documents, and to the examination, remuneration, and punishment of witnesses, shall apply to all proceedings before any Collector under section thirty-eight; and for the purposes aforesaid the Collector shall have all the powers and authorities in and by such Acts or any of them conferred upon the Court.

Measurement to be made by the pergunnah pole.

41. All measurements made under this Act shall be made according to the standard pole of measurement of the pergunnah in which the land is situated.

PART IX.

Register of Suits, and Form of Plaint.

Register of suits.

42. All suits brought under any of the provisions of this Act shall be entered in a special register of the Court kept for that purpose.

Form of plaint in suits for arrears of rent.

43. In any suit hereafter to be brought for the recovery of an arrear of rent, the plaint shall specify

the name of the village and estate, and of the pergunnah or other local division in which the land is situate,

the yearly rent of the land,

the amount (if any) received on account of the year for which the claim is made,

the amount in arrear, and

the time in respect of which it is alleged to be due.

If the arrear is alleged to be due from any ryot, the plaint shall further specify the quantity of land, and, where fields have been numbered in a Government Survey, the number (if it be possible to give it) of each field.

PART X.

Damages, Compensation, and Payment into Court.

The Court may, in certain cases, award to the plaintiff additional damages not exceeding 25 per cent.

44. In any suit hereafter to be brought for rent under the provisions of this Act, if it shall appear to the Court that the defendant has, without reasonable or probable cause, neglected or refused to pay the amount due by him, and that he has not, before the institution of the suit, tendered such amount to the plaintiff or his duly authorized agent, or in case of the refusal of the plaintiff or such agent to receive the amount tendered, has not deposited such amount in the Court before the institution of the suit in manner hereinafter mentioned, it shall be lawful for the Court to award to

the plaintiff, in addition to the amount decreed for rent and costs, such damages, not exceeding twenty-five per centum on the amount of rent decreed, as the Court may think fit. These damages, if awarded, as well as the amount of rent and costs decreed in the suit, shall carry interest at the rate of twelve per centum per annum from the date of decree until payment thereof.

The Court may award compensation not exceeding 25 per cent. on the amount sued for, to a defendant improperly sued.

45. In any suit hereafter to be brought for rent under the provisions of this Act, if it shall appear to the Court that the plaintiff has instituted the suit against the defendant without reasonable or probable cause, or that the defendant had, before the institution of the suit, duly deposited in the Court, in the manner hereinafter mentioned, the full amount which the Court shall find to have been due to the plaintiff at the date of such deposit, it shall be lawful for the Court to award to the defendant, by way of compensation, such sum, not exceeding twenty-five per centum on the whole amount claimed by the plaintiff, as the Court may think fit; and such sum, with interest at the rate of twelve per centum per annum until payment thereof, shall be recoverable from the plaintiff in like manner as sums ordered to be paid by decrees of such Court.

Under-tenant or ryot may, after tender, &c., pay into Court, without any action being brought against him, what he admits to be due to his zemindar, &c.

46. If any under-tenant or ryot shall, at the mâl cutcherry for the receipt of rents or other place where the rents of the land or other immoveable property held or cultivated by him are usually payable, tender payment of what he shall consider to be the full amount of rent due from him at the date of the tender to the zemindar or other person in receipt of the rent of such land; and if the amount so tendered shall not be accepted, and a receipt in full shall not be forthwith granted, it shall be lawful for the under-tenant or ryot, without any suit having been instituted against him, to deposit such amount in the Court having jurisdiction to entertain a suit for such rent, to the credit of the zemindar or other person aforesaid:

Payment into Court to have effect of payment to zemindar or other person entitled.

and such deposit shall, so far as the under-tenant or ryot, and all persons claiming through or under him, are concerned, in all respects operate as, and have the full effect of, a payment then made by the under-tenant or ryot of the amount deposited to such zemindar or other person.

Deposit to be received in Court.

47. Such deposit shall be received in such Court on the application of the under-tenant or ryot, or his agent, made in writing and on the under-tenant or ryot, or his agent, making a declaration in the form, or as nearly as circumstances will admit, in the form set forth in the Schedule A hereto annexed, and the Court shall give a

receipt for the same under its seal. If the declaration shall contain any averment which the person making the declaration shall know or believe to be false, or shall not know or believe to be true, such person shall be subject to punishment according to the law for the time being in force for the punishment of giving or fabricating false evidence.

On receipt of deposit Court to issue notice.

Upon receiving the money so deposited, the Court shall issue a notice to the person to whose credit it has been deposited, in the form set forth in the Schedule B hereto annexed; and such notice shall be served by the Court, without the payment of any fee, either upon the person to whom it is addressed, or upon his naib, gomastah, or other agent; and in the absence of any such agent, it shall be served by sticking up a copy of the same in the said Court, and another copy upon the mâl cutcherry for the receipt of rents, or other place where the rents are usually paid for the land in respect of which the money has been deposited.

Drawing out of deposit.

If the person to whom such notice is issued, or his duly authorized agent, shall appear, and apply that the money in deposit be paid to him, it shall be immediately made over to him.

After action brought, defendant may pay into Court, without costs; money tendered before action brought.

48. The defendant in any suit instituted under any of the provisions of this Act, may, if he have duly tendered the same to the plaintiff before the institution of the suit, pay into Court such sum of money as such defendant may consider to be due to the plaintiff, without paying in any costs incurred by the plaintiff up to the time of such payment, and such sum shall be immediately paid out of Court to the plaintiff.

Costs if plaintiff goes on and recovers no more.

If, after such payment, the plaintiff elects to proceed in the suit, and ultimately recovers no further sum than shall have been paid into Court, the plaintiff shall be charged with the whole costs of the suit incurred by the defendant; but if the plaintiff ultimately recovers a further sum than shall have been paid into Court, the defendant shall be charged with the whole costs of the suit.

If no previous tender has been made, defendant may pay into Court what he admits to be due, with costs on that sum.

49. The defendant in any suit instituted under any of the provisions, of this Act, may, without having made any tender before action brought, pay into Court such sum of money as he shall consider to be due to the plaintiff, together with the costs (to be fixed by the Court, if necessary, as of a suit originally instituted for the amount so paid into Court) incurred by the plaintiff up to the time of such payment, and such sum shall immediately be paid out of Court to the plaintiff.

If, after such payment, the plaintiff elects to proceed in the suit, and ultimately recovers no further sum than shall have been paid into Court, he shall be charged with all costs incurred by the defendant subsequently to such payment; but if the plaintiff ultimately recovers a further sum than shall have been paid into Court, the defendant shall be charged with costs as upon a suit originally instituted for the whole amount for which the plaintiff ultimately obtains a decree, but shall have credit thereout for the amount of costs paid into Court by him in the first instance.

Costs if plaintiff goes on and recovers no more.

PART XI.

Arrest before Judgment, Mesne Profits, and Suit for Ejectment or Cancelment of Lease.

50. No warrant of arrest before judgment shall be issued in a suit for arrears of rent due in respect of a dependent talook or other transferable tenure which may be liable to sale in execution of any decree which may be passed in the case.

No warrant of arrest before judgment.

51. It shall be lawful for any person entitled to recover the possession of land under any of the provisions of this Act, to include in his plaint a claim for the mesne profits of the land.

Mesne profits may be claimed in suits for recovery of land.

52. Any person desiring to eject a ryot or to cancel a lease on account of non-payment of arrears of rent, may sue for such ejectment or cancelment, and for recovery of the arrear in the same action, or may adduce any unexecuted decree for arrears of rent as evidence of the existence of such arrear in a suit for such ejectment or cancelment. In all cases of such suits for the ejectment of a ryot or the cancelment of a lease, the decree shall specify the amount of the arrear, and if such amount, together with interest and costs of suit, be paid into Court within fifteen days from the date of the decree, execution shall be stayed.

Suits for ejectment or cancelment of lease.

PART XII.

Execution.

53. Whenever in any suit brought by any zemindar or other person in receipt of the rent of land, to eject any cultivator not having a right of occupancy, or to eject any farmer or other tenant holding only for a limited period after the determination of his lease or tenancy, or any agent after the determination of his agency, or to enforce any attachment or ejectment expressly authorised by any Regulation or Act, the Court shall pass a decree in favor of the plaintiff, no application in the form provided in *section 235 of the Code of

Court to issue immediate execution in certain cases.

* Act X of 1877, section 3, para. 2.

Civil Procedure shall be necessary, but the Court shall forthwith, upon the plaintiff depositing in Court the necessary expenses, make an order for delivery of possession in execution of the decree, provided, however, that in cases to which section fifty-two of this Act is applicable, no such order shall be made until after the expiration of fifteen days from the date of the decree.

In such cases, execution not to be stayed pending appeal.

54. It shall not be lawful for the Court to entertain any application for stay of execution of any such order pending any appeal, and no person who shall have been evicted under any such order shall be restored to possession so long as the decree under which such order was issued shall remain unreversed.

If person required by the decree refuse to grant pottah, Court may do so.

55. When a decree is given for the delivery of a pottah, if the person required by the decree to grant such pottah refuse or delay to grant the same, the Court may grant a pottah in conformity with the terms of the decree under the signature and seal of such Court, and such pottah shall be of the same force and effect as if granted by the person aforesaid.

Refusal to execute kabuliat as required by the decree.

56. When a decree is given for the delivery of a kabuliat, if the person required by the decree to execute such kabuliat shall refuse to execute the same, the decree shall be evidence of the amount of rent claimable from such person, and a copy of the decree under the signature and seal of the Court shall be of the same force and effect as a kabuliat executed by the said person.

Process not to issue simultaneously against both person and property.

57. Process of execution in any suit instituted under this Act may be issued against either the person or the property of a judgment-debtor, but process shall not be issued simultaneously against both the person and property.

No execution to be issued after three years from date of judgment.

58. No process of execution of any description whatsoever shall be issued on a judgment in any suit for any of the causes of action mentioned in section twenty-seven, twenty-eight, twenty-nine, or thirty of this Act after the lapse of three years from the date of such judgment, unless the judgment be for a sum exceeding five hundred rupees, in which case the period within which execution may be had shall be regulated by the general rules in force in respect to the period allowed for the execution of decrees of the Court.

Procedure on sale of certain under-tenures.

59. Whenever a decree may be passed for an arrear of rent due in respect of an under-tenure which by the title deeds or the custom of the country is transferable by sale, and the judgment-creditor shall make application for the attachment and sale of such under-tenure, the Court shall, so soon as such under-tenure shall have

been ordered to be sold, cause to be hung up in some conspicuous part of the building in which such Court sits, and of the buildings in which the Collector and Judge of the District within which the land comprised in such under-tenure is situate, and to be affixed on some conspicuous place on such land and on some conspicuous place in the town or village in or nearest to which such land is situate, a notice for the sale of such under-tenure on some fixed date not less that twenty days from the hanging up of such notice in such Court.

Contents of notice of sale of under-tenure.

60. Every such notice shall specify, in the words used in the plaint in the suit in which the decree was made, the name of the village, estate, and pergunnah, or other local division in which the land comprised in the said under-tenure is situated, the yearly rent payable under the said under-tenure, and the gross amount recoverable under the said decree.

Under-tenures not to be sold while other execution in force.

61. No order for the sale of any such under-tenure shall be made in execution of a decree for recovery of arrears of rent payable in respect thereof, when a warrant of execution has been previously issued against the person or moveable property of the judgment-debtor, so long as such warrant remains in force. If, after sale of any such under-tenure in execution of such decree, any portion of the amount decreed remains due, process may be applied for and issued against any other property, moveable or immoveable, belonging to the debtor.

How the sale may be stayed by person interested in under-tenure.

62. If the sum due under the decree, together with interest to date of payment, and all costs of process be paid into Court at any time before the sale commences, whether by the defaulting holder of the under-tenure or any one on his behalf, or any one interested in the protection of the under-tenure, such sale shall not take place; and the provisions of section 13 of Regulation VIII of 1819, for the recovery of sums paid by persons other than the defaulting holder of the under-tenure to stay the sale of the under-tenure, shall be applicable to all similar payments made under this section.

In case of claim by third party Court to stay the sale upon decree being paid or secured.

63. If, after attachment and before sale of any such under-tenure as aforesaid in execution of a decree for arrears of rent due in respect of such under-tenure, any third party may prefer a claim alleging that such third party and not the person against whom the decree has been obtained is the proprietor of such under-tenure, and was in lawful possession of the same at the time when such decree was obtained, the Court shall not postpone such sale, unless and until such third party shall have deposited in Court the amount of the decree, or given sufficient security for the same;

provided always that no transfer of an under-tenure which, by the provisions of this Act or any other law for the time being in force, is required to be registered in the sherishtah of the zemindar or superior tenant, shall be recognized unless it has been so registered, or unless sufficient cause for non-registration be shown to the satisfaction of the Court.

Non-registered transfers not to be recognized.

64. If a decree is given in favor of a sharer in a joint undivided estate, dependent talook, or other similar tenure, for money due to him on account of his share of the rent of an under-tenure situate in such undivided estate, talook, or tenure, no order for the sale of such under-tenure in execution of such decree shall be made unless and until all moveable property (if any) which such judgment-debtor may possess within the jurisdiction of the Court in which the suit was instituted, shall have been seized and sold in execution of such decree, and the sale of such property, if any, shall have proved insufficient to satisfy the judgment.

Execution of decrees given in favor of sharers in undivided estates or tenures.

In such case such under-tenure, if of the nature described in section fifty-nine, may be seized and sold in execution of such decree, according to the ordinary procedure of the Court and not in the manner provided in the said section, and every such sale shall have such and the same effect as the sale of any immoveable property sold in execution of a decree not being for arrears of rent payable in respect thereof.

Mode of execution.

65. In the execution of any decree for the payment of any money under this Act, not being money due as arrears of rent of a saleable under-tenure, if satisfaction of the judgment cannot be obtained by execution against the person or moveable property of the debtor within the district in which the suit was instituted, the judgment-creditor may apply for execution against any immoveable property belonging to such debtor.

Execution of certain money decrees.

66. The purchaser of an under-tenure under the provisions of sections fifty-nine and sixty of this Act shall acquire it free of all incumbrances which may have accrued thereon by any act of any holder of the said under-tenure, his representatives or assignees, unless the right of making such incumbrances shall have been expressly vested in the holder by the written engagement under which the under-tenure was created, or by the subsequent written authority of the person who created it, his representatives or assignees; provided that nothing herein contained shall be held to entitle the purchaser to eject khood-khast ryots or resident and hereditary

Purchaser to acquire the under-tenure, with certain exceptions, free of incumbrances.

cultivators, nor to cancel *bona fide* engagements made with ryots or cultivators of the classes aforesaid by any holder of the under-tenure or his representatives, except it be proved in a regular suit to be brought by such purchaser for the adjustment of his rent, that a higher rent would have been demandable at the time such engagements were contracted by his predecessor.

Nothing in this section shall be held to apply to the purchase of a tenure by the previous holder thereof through whose default the tenure was brought to sale.

Zemindar how to proceed if purchaser do not register.

67. The purchaser of an under-tenure sold under this Act shall apply to the zemindar or other landholder within fifteen days from the day of sale to have his name registered in the zemindar or other landholder's books as the purchaser, and shall execute a kabuliat on the same terms and conditions on which the under-tenure was held by the defaulter; and if such application be not made within fifteen days, it shall be lawful for the zemindar or other landholder to sue the said purchaser for the delivery of a kabuliat.

PART XIII.

DISTRAINT.

Arrear of rent may be recovered by distraint, subject to certain exemptions and modifications.

68. The produce of the land is held to be hypothecated for the rent payable in respect thereof; and when an arrear of rent, as defined in section twenty-one of this Act, is due from any cultivator of land, the zemindar, lakherajdar, farmer, dependent talookdar, under-farmer, or other person entitled to receive the rent of such land immediately from the actual cultivator thereof, instead of bringing suit for the arrear as hereinbefore provided, may recover the same by distraint and sale of the produce of the land on account of which the arrear is due, under the following rules; provided always that, when a cultivator has given security for the payment of his rent, the produce of the land for the rent of which security has been given, shall not be liable to distraint: provided also that no sharer in a joint estate, dependent talook, or other tenure in which a division of lands has not been made amongst the sharers, shall exercise the power of distraint otherwise than through a manager authorized to collect the rents of the whole estate, talook, or tenure on behalf of all the sharers in the same.

No distraint in certain cases.

69. Distraints shall not be made for any arrear which has been due for a longer period than one year; nor for the recovery of any sum in excess of the rent payable for the same land in the preceding year, unless a written engagement for the payment of such excess has been executed by the cultivator.

70. The power of distraint vested by section sixty-eight in zemindars and other persons entitled to receive rent from cultivators of land, may be exercised by managers under the Court of Wards, surburakars, and tehsildars of estates held under khas management, and other persons lawfully entrusted with the charge of landed property; and also by naibs, gomastahs, and other agents employed by any such persons as aforesaid in the collection of rent, if expressly authorized by power-of-attorney in that behalf.

Power of distraint to be exercised by managers under the Court of Wards, &c.

Provided that if any illegal act is committed by any such naib, gomastah, or other agent under color of the exercise of the said power, the person employing such agent shall be liable, as well as the agent, for any damages accruing by reason of such act.

71. Standing crops and other ungathered products of the earth, and crops or other products when reaped or gathered, and deposited in any threshing floor or place for treading out grain or the like, whether in the field or within a homestead, may be distrained by persons invested with the powers of distraint under the provisions of this Act. But no such crops or products other than the produce of the land in respect of which an arrear of rent is due, or of land held under the same engagement, and no grain or other produce after it has been stored by the cultivator, and no other property whatsoever, shall be liable to distraint under this Act.

Standing crops and crops gathered but not stored, liable to distraint.

72. Before or at the time when distraint is made under this Act, the distrainer shall cause the defaulter to be served with a written demand for the amount of the arrear, together with an account exhibiting the grounds on which the demand is made. The demand and account shall, if practicable, be served personally on the defaulter, or if he abscond or conceal himself so that they cannot be so served, shall be affixed at his usual place of residence.

Defaulter to be served with a written demand, &c., before or at the time of distraint.

73. Unless the amount of the demand is immediately paid or tendered, the distrainer may distrain property as aforesaid of value proportionate to the amount of the arrear with costs of the distress; and shall prepare a list or description of the said property, and deliver a copy of the same to the owner, or if he be absent, affix it at his usual place of residence.

Distress to be proportionate to the arrear if not paid or tendered.

74. Standing crops and other ungathered products may, notwithstanding the distraint, be reaped and gathered by the cultivator, and may be stored in such granaries or other places as are commonly used by him for the purpose. If the cultivator neglect to do so, the distrainer shall cause the

Standing crops, &c, to be reaped and stored by the cultivator, or, if he neglect to do so, by the distrainer.

said crops or products to be reaped or gathered, and in such case shall store the same, either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood. In either case the distrained property shall be placed in the charge of some person appointed by the distrainer for the purpose.

Sale of crops and products which cannot be stored.

Crops or products, which from their nature do not admit of being stored, may be sold, before they are cut or gathered, under the rules hereinafter provided; but in such case the distraint shall be made at least twenty days before the time when the crops or products, or any part of the same, would be fit for cutting or gathering.

Distrainer may apply for aid to the Court if resistance made or apprehended.

75. If a distrainer shall be opposed, or shall apprehend resistance, and shall desire to obtain the assistance of a public officer, he may apply to the Court which under the provisions of this Act would have jurisdiction to entertain a suit for the rent for which such distrainer is about to distrain, and the Court may, if it thinks necessary, depute an officer to support the distrainer in making the distraint.

Persons empowered to distrain may give written authority to their servants to do so.

76. When any person, empowered to distrain property under section sixty-eight or section seventy, shall employ a servant or other person to make the distress, he shall give to such servant or person a written authority (which may be on plain paper) for the same, and the distress shall be made in the name and on the responsibility of the person giving such authority.

Distress to be withdrawn on payment of arrear and expenses of distress.

77. If, at any time after property has been distrained and prior to the day fixed for its being put up to sale as hereinafter provided, the owner of the property shall tender payment of the arrear demanded of him and of the expenses of the distress, the distrainer shall receive the same, and shall forthwith withdraw the distress.

Application for sale.

78. Within five days from the time of the storing of any distrained crops or products, or if the crops or products do not from their nature admit of being stored, within five days from the time of making the distress, the distrainer shall apply for sale of the same to the Court which would have jurisdiction to entertain a suit for the rent for which the distress was made.

Form of application.
Deposit of cost of notice.

79. The application shall be in writing, and shall contain an inventory or description of the property distrained, the name of the defaulter and his place of residence, the amount due, and the date of the distress, and the place in

which the distrained property is deposited. Together with the application, the distrainer shall lodge in Court the amount necessary for the service of a notice upon the defaulter as hereinafter provided.

Procedure by Civil Court on receipt of application.

80. Immediately on receipt of any application under the provisions of the next preceding section, the Court to which such application shall have been made shall appoint an officer to conduct the sale of such property, and shall cause to be served a notice [which shall be in the form contained in the Schedule C to this Act, or to the like effect] on the person whose property has been distrained, requiring him either to pay the amount demanded, or to institute a suit to contest the demand before such Court within the period of fifteen days from the receipt of the notice; and shall at the same time cause to be affixed upon some conspicuous place in the Court-house, a proclamation fixing a day for the sale of the distrained property, which shall not be less than twenty days from the date of the application; and shall deliver a copy of the proclamation to the peon charged with the service of the notice, to be put up by him in the place where the distrained property is deposited. The proclamation shall contain a description of the property, the demand for which it is to be sold, and the place where the sale is to be held.

Sale to be suspended when suit instituted.

81. If a suit shall be instituted in pursuance of the aforesaid notice, the Court shall suspend proceedings in regard to the sale of the distrained property, and shall certify to the officer appointed to conduct the sale of such suspension.

Suit to contest distrainer's demand before issue of notice of sale.

82. Any person whose property has been distrained in the manner in this Act provided, may institute a suit to contest the demand of the distrainer immediately after the distraint of his property, and before the issue of notice of sale; when such suit is instituted, the Court shall suspend proceedings in respect of the sale of such property.

Distress to be withdrawn on receipt of Court's certificate that the owner has given sufficient security.

83. The person whose property has been distrained may, at the time of instituting any such suit as aforesaid, or at any subsequent period, execute a bond with sufficient security, binding himself and his sureties to pay whatever sum may be adjudged to be due from him with interest and costs of suit; and when such bond is executed, the Court shall give to the owner of the property a certificate to that effect, or, if so requested, shall serve the distrainer with notice of the same, and upon such certificate being presented to the distrainer by the owner of the property, or served on him by order of the Court, the property shall be released from distraint.

84. The estimated value of the claim made in any suit filed under the provisions of sections eighty, eighty-two, and ninety-six, or any of them, shall be deemed to be the amount of arrears of rent for which the distraint shall have been made.

Value of claim in suits disputing distress.

85. On the expiration of the period fixed in the proclamation of sale, if a suit to contest the demand of the distrainer be not in the meantime instituted in the Court and certified to the officer appointed to conduct the sale, such officer shall, unless the said demand, with such costs of the distress as shall be allowed by him, be discharged in full, proceed to sell the property, or such part of it as may be necessary, in the manner hereinafter prescribed.

When sale may be proceeded with.

86. The sale shall be held at the place where the distrained property is deposited, or at the nearest gunge, bazar, hât, or other place of public resort, if the officer appointed to conduct the sale should be of opinion that it is likely to sell there to better advantage. The property shall be sold by public auction in one or more lots, as such officer holding the sale may think advisable: and if the demand with the costs of distress and sale be satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

Place and mode of sale.

87. If on the property being put up for sale a fair price, in the estimation of the officer holding the sale, be not offered for it, and the owner of the property or some person authorized to act on his behalf apply to have the sale postponed until the next day or the next market day, if a market be held at the place of sale, the sale shall be postponed until such day, and shall be then completed, whatever price may be offered for the property.

If fair price be not offered, sale may be postponed to another day, and shall be then completed at whatever price may be offered.

88. The price of every lot shall be paid for in ready money at the time of sale, or as soon after as the officer holding the sale shall think necessary; and in default of such payment, the property shall be put up again and sold. When the purchase-money has been paid in full, the officer holding the sale shall give the purchaser a certificate describing the property purchased by him and the price paid.

Payment of purchase-money.

89. From the proceeds of the sale of distrained property, the officer holding the sale shall make a deduction at the rate of one anna in the rupee on account of the costs of the sale, and shall transmit the amount to the Court, in order that it may be credited to Government. He shall then pay to the distrainer the expenses incurred by the distrainer on account of the distress and of the issue of the notice

Proceeds of sale.

and proclamation of sale prescribed in section eighty, to such amount as, after examination of the statement of expenses furnished by the distrainer, he shall think proper to allow. The remainder shall be applied to the discharge of the arrear for which the distraint was made, with interest thereupon up to the day of sale; and if there be any overplus, it shall be delivered to the person whose property shall have been sold.

Officers holding sales prohibited from purchasing.

90. Officers holding sales of property under this Act, and all persons employed by, or subordinate to, such officers, are prohibited from purchasing, either directly or indirectly, any property sold by such officers.

All irregularities to be reported to the Court.

91. Officers holding sales of distrained property are required to bring to the notice of the Court any material irregularities committed by distrainers under color of this Act; and if in any case, on proceeding to hold a sale of property, such officer shall find that the owner of the property has not received due notice of the distress and intended sale, he shall postpone the sale and report the case to the Court, and the Court shall direct the issue of another notice and proclamation of sale under section eighty, or pass such other order as may seem proper.

Recovery of expenses if officer proceed to place of sale and no sale take place.

92. When any such officer has proceeded to any place for the purpose of holding a sale, and no sale takes place either for the reason stated in the last preceding section, or because the demand of the distrainer has been previously satisfied, no intimation of such satisfaction having been given by the distrainer to such officer, the charge of one anna in the rupee on account of expenses shall be leviable, and shall be calculated on the estimated value of the distrained property. If the demand of the distrainer be not satisfied until the day fixed for the sale, the charge for expenses shall be paid by the owner of the property, and may be recovered by the sale of such portion thereof as may be necessary.

When expenses to be paid by distrainer.

In all other cases the Court shall make an order that such expenses shall be paid by the distrainer, and shall in such order fix the amount to be paid by him, such amount not to exceed the sum of ten rupees; and the amount by such order directed to be paid may be recovered from such distrainer as if such order were a decree of such Court.

Proceedings of officers, &c., subject to revision and orders of Court.

93. All proceedings under this Act of the officers appointed to hold sales of distrained property shall be subject to the revision and orders of the Court to which they respectively are attached, and the Court may require the submission of such reports and statements of business performed by such officers as may be thought necessary.

Second proclamation of sale.

94. When a suit has been instituted to contest the demand of a distrainer, and the property has not been released on security if the demand or any portion of it shall be adjudged to be due, the Court shall issue an order to the officer appointed to conduct the sale of such property and furnish a copy of such order to the distrainer, authorising the sale of the property; and on the application of the distrainer, which shall be made within five days from the receipt by him of such copy of such order, such officer shall publish a second proclamation in the manner prescribed in section eighty, fixing another day for the sale of the distrained property, which shall not be less than five nor more than ten days from the date of the proclamation; and unless the amount adjudged to be due with the costs of distress, including any costs of suit which may be ordered to be paid by the person instituting such suit, be paid intermediately, shall proceed to sell the property in the manner hereinbefore provided.

Procedure after institution of suit to contest distrainer's demand.

95. In all suits instituted to contest the demand of a distrainer, the distrainer shall be required to prove the arrear in the same manner as if he had himself instituted a suit for the amount. If the demand or any part thereof is found to be due, the Court shall make a decree for the amount in favor of the distrainer, together with such costs of suit as to such Court may seem proper, and the amount may be recovered by sale of the property as provided in the last preceding section if the distress has not been withdrawn, and if any balance remain due after such sale, by execution of the decree against the person and any other property of the defaulter, or if the property has been released on security, by execution of the decree against the person and property of the defaulter and of his surety. If, on the other hand, the distraint is adjudged to be vexatious or groundless, the Court, besides directing the release of the distrained property, may award such damages in favor of the plaintiff as the circumstances of the case shall seem to require, and may decree the costs of the suit to be paid by the distrainer.

Any person whose property has been distrained or arrears of rent alleged to be due from another, may institute a suit against the distrainer.

96. If any person shall claim as his own property which has been distrained for arrears of rent alleged to be due from any other person, such person may institute a suit against the distrainer and such other person to try the right to the possession of the property in such Court, and in like manner and under the same conditions as to the time of instituting the suit and to the consequent postponement of sale, as a person whose property has been distrained for an arrear of rent alleged to be due from him may institute a suit to contest the demand. When any such suit is instituted, the property may be released upon security being given for the value of the same.

If the claim is dismissed, the Court shall make an order for the sale of the property or the recovery of the value thereof, as the case may be, for the benefit of the distrainer, and for payment of such costs of suit to such distrainer, as to such Court shall seem fit.

Procedure if claim is dismissed.

If the claim is upheld, the Court shall decree the release of the distrained property with costs, and such damages (if any) as the circumstances of the case may seem to require: provided always that no claim to any produce of land liable to distraint under this Act, which at the time of the distress may have been found in the possession of a defaulting cultivator, whether such claim be in respect of a previous sale, mortgage, or otherwise, shall bar the prior claim of the person entitled to the rent of the land; nor shall any attachment in execution of a judgment or decree of any Court prevail against such prior claim.

If claim is upheld.

97. If any person, whose property has been distrained for the recovery of a demand not justly due, or of a demand due or alleged to be due from some other person, is prevented by any sufficient cause from bringing a suit to contest the demand or to try the right to the property, as the case may be, within the period allowed by sections eighty-two and ninety-six, and his property is in consequence brought to sale, he may, nevertheless institute a suit under this Act to recover damages for the illegal distress and sale of his property.

Persons prevented from suing in time to save their property from sale, may sue for damages.

98. If any person empowered to distrain property, or employed for the purpose under a written authority by a person so empowered, shall distrain or sell, or cause to be sold, any property for the recovery of an arrear of rent alleged to be due otherwise than according to the provisions of this Act, or if any distrained property shall be lost, damaged, or destroyed by reason of the distrainer not having taken proper precautions for the due keeping and preservation thereof, or if the distraint shall not be immediately withdrawn when it is required to be withdrawn by any provision of this Act, the owner of the property may institute a suit under this Act to recover damages for any injury which he may have thereby sustained.

Also persons aggrieved by any illegal act of distrainer.

99. If any person not empowered to distrain property under sections sixty-eight and seventy of this Act, nor employed for the purpose under a written authority by a person so empowered, shall under color of this Act distrain or sell, or cause to be sold, any property, the owner of the property may institute a suit under this Act to recover damages from such person for any injury which he may have

Penalty for unlawful distraint.

sustained from the distraint or sale. The said person shall, when the act complained of does not amount to criminal trespass, be liable to fine which may extend to three hundred rupees, or to imprisonment, simple or rigorous, which may extend to two months or to both, in addition to any damages which may be awarded against him in such suit.

Time for commencing suits for damages.

100. Provided always that any suit which may be instituted under any of the last three sections shall be commenced within three months from the date of the occurrence of the cause of action.

Procedure on resistance to distraint, &c.

101. If any person shall resist a distraint of property duly made under this Act, or shall forcibly or clandestinely remove any distrained property, the Court which would have jurisdiction in a suit for the rent for which such distraint was made, shall, upon complaint being made within fifteen days from the date of such resistance or removal, cause the person accused to be arrested; and if the offence be proved, and the offender be the owner of the property, shall order him to be imprisoned in the civil jail for six months, or until the whole arrear due to the distrainer, with all expenses and costs, shall be paid or levied by attachment and sale of the property of the offender under warrant of the Court. If the person convicted of the offence be any other than the owner of the property, he shall make good to the distrainer the value of the same, and shall further be liable to a fine not exceeding one hundred rupees, or, in default of payment thereof, to imprisonment for a period not exceeding two months.

PART XIV.

MISCELLANEOUS.

No appeal from any decree of the District Judge for money below Rs. 100, unless it involve the right to enhance rent or a title to land.

102. Nothing in this Act contained shall be deemed to confer any power of appeal in any suit tried and decided by a District Judge, originally or in appeal, if the amount sued for, or the value of the property claimed, does not exceed one hundred rupees, in which suit a question of right to enhance or vary the rent of a ryot or tenant, or any question relating to a title to land or to some interest in land as between parties having conflicting claims thereto, has not been determined by the judgment.

Review of judgment.

103. No application for a review of any judgment or order passed in any suit brought under the provisions of this Act shall be received by any Court after the expiration of thirty days from the date of such order or judgment, but nothing in this section contained shall be deemed to apply to the High Court of Judicature at Fort William in Bengal.

Small Cause Court not to have jurisdiction.

104. Nothing in this Act contained shall be deemed to confer upon any Court sitting as a Court of Small Causes cognizance of any suit brought under the provisions of this Act, of which it would not have had cognizance if this Act had not been passed.

Power to issue process free of charge.

105. If in any case the Court is satisfied that a party is unable to pay the cost of any necessary process in any suit under this Act, it may direct such process to be served free of charge.

Application of Act.

106. This Act shall take effect in those districts in the provinces subject to the Lieutenant-Governor of Bengal to which the said Lieutenant-Governor shall extend it by an order published in the *Calcutta Gazette*, and thereupon this Act shall commence and take effect in the districts named in such order at the days and time which shall be in such order provided for the commencement thereof.

See Notification of 24th February 1870, *Calcutta Gazette*, 2nd March 1870. The Act has not been extended to the Divisions of Cooch Behar, Chota Nagpore, or Orissa, or to the Chittagong Hill Tracts, Hill Tipperah, and the Southal Pergunnahs.

Certain enactments to cease to have operation in places in which this Act takes effect.

107. When and so soon as this Act shall commence and take effect in any district, the various provisions mentioned in Schedule D hereto annexed shall cease to have operation or effect in such district, save so far as they repeal or modify any other Regulations or Acts, and save so far as regards suits or proceedings which before the time of the commencement of this Act shall have been instituted before any Collector.

Pending suits to be carried on under former practice.

108. Whenever any suit or other proceeding under the provisions of the Acts in the Schedule D mentioned, or of any of them, shall at the time when this Act comes into operation in any place have been instituted before any Collector or other officer having, under the provisions of the same Acts or of any of them, jurisdiction in such suit or proceeding, such suit or proceeding and all appeals therein shall be heard and determined, and execution of any decree or order therein shall be had, and the practice and procedure therein shall be such and the same, as if this Act had not been passed.

Act not to affect powers conferred by the Chota Nagpore Tenures' Act.

109. Nothing in this Act contained shall be deemed to take away or abridge any power or authority conferred by an Act passed by the Lieutenant-Governor of Bengal in Council, entitled an Act to ascertain, regulate, and record certain tenures in Chota Nagpore, on any person appointed to be a Special Commissioner thereunder or on the Commissioner of the Division of Chota Nagpore.

110. Nothing in this Act contained shall in any way affect any of the provisions of Act VII of 1868 of the Council of the Lieutenant-Governor of Bengal for the recovery of arrears of land revenue and other demands recoverable as arrears of land revenue.

Act VII of 1868 saved.

111. This Act shall be called "The Landlord and and Tenant Procedure Act, 1869.

Short title.

SCHEDULE A.

(*See section* 47.)

I, A. B., of, &c., do solemnly declare that I did personally (or by my Agent, C. D.), on the day of tender payment to E. F. at his mal cutcherry (or at) the place where the rent of the lands at held or cultivated by me under or from the said E. F. are usually payable, of the sum of rupees as and for the whole amount due from me in respect of the rent of the said lands from the month of to the month of both inclusive. I further declare that the said E. F. refused to accept the said sum so tendered (or to give me a receipt in full forthwith for the same); and I do declare that, to the best of my belief, the sum of rupees so tendered, and which I now desire to pay into Court, is the full amount which I owe the said E. F., on account of the rent of the said lands from the month of to the month of both inclusive, and that I owe the said E. F. no further sum on account of the rent of the said lands.

SCHEDULE B.

(*See section* 47.)

Court of

Dated the day of 18

To E. F. of, &c.

WITH reference to the within declaration, you are hereby informed that the sum of rupees therein mentioned is now in deposit in this Court, and that the above sum will be paid to you or your duly authorized agent on application; and take notice that if you have any further claim or demand whatsoever to make against the said A. B. in respect of the rent of the said lands, you must institute a suit in Court for the establishment of such claim or demand within six calendar months from this date, otherwise your claim will be for ever barred.

[Copy of declaration in Schedule A to be annexed.]

SCHEDULE C.

(*See section* 70.)

FORM OF NOTICE TO OWNER OF DISTRAINED PROPERTY.

Court of

A. B., Distrainer.

(*Name, description, and address of the owner of the property.*)

WHEREAS the said A. B. has applied to have the distrained property specified below sold for the recovery of alleged to be due to him as arrears of rent, you are hereby required either to pay the said sum to the said A. B., or to institute a suit in the Court of to contest the demand within fifteen days from the receipt of this notice, failing which the property will be sold.

Dated this day of 18 .

SCHEDULE D.

(*See sections* 107 *and* 108.)

Being Acts made inoperative in Districts in which this Act is in force.

DATE AND NO. OF ACT.	TITLE OF ACT.	EXTENT OF REPEAL.
Act X of 1859	An Act to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal.	The whole Act.
Act VI of 1862, passed by the Lieutenant-Governor of Bengal in Council	An Act to amend Act X of 1859.	The whole Act.
Act IV of 1867, passed by the Lieutenant-Governor of Bengal in Council.	An Act to explain and amend Act VI of 1862, passed by the Lieutenant-Governor of Bengal in Council and to give validity to certain judgments.	The whole Act.

THE COURT OF WARDS' ACT, 1870.

CONTENTS.

PREAMBLE.

PART I.

SECTION.

DEFINITIONS.

1.—Interpretation clause.

PART II.

PERSONS DISQUALIFIED TO MANAGE THEIR OWN PROPERTY; AND PROPERTIES WHICH MAY BE BROUGHT UNDER THE MANAGEMENT OF THE COURT OF WARDS.

2.—Estates of disqualified proprietors.

3.—Estates of joint proprietors.

4.—Disqualified persons acquiring estates.
Board may direct Court to take charge of acquired estate.
Arrears of revenue to be the first charge on the proceeds of such estates.
5.—Court to take charge of property, inclusive of share.
6.—Power to refuse to admit ward and discharge estate.
Exemption from sale. Arrears of revenue.
Exemptions from sale only to apply to certain cases.
7.—Application of proceeds of farmed estate.

PART III.

CONSTITUTION AND POWERS OF THE COURT OF WARDS.

8.—Court of Wards in each division.
9.—Power to manage estates.
10.—Power to make orders.

PART IV.

POWERS AND DUTIES OF COLLECTORS.

11.—Collector to have charge of ward whose estate is in his district.
12.—If estate in more than one district, Court to appoint Collector to have charge of ward.
13.—Collector to administer estate in his district.
14.—Where estates in several divisions, Court to have charge of ward to be determined by Board of Revenue.
15.—Superintendence of estates in different divisions.
16.—Collector to seize seals, papers, and moveable property.
17.—Collector to deliver inventory.
18.—Collector to be subject to Court.

PART V.

MODE OF ASCERTAINING THE GROUND OF DISQUALIFICATION.

19.—Collector to report disqualification of proprietors.
20.—Proceedings on death of a proprietor whose heirs are disqualified.
21.—Inquiry in case of females.
22.—Inquiry in case of minors.
23.—Production of minor and order for his temporary custody.
24.—Inquiry in case of lunatics, &c.
25.—Proceedings in case of proprietor found lunatic by High Court.
26.—Proceedings in case of proprietor found lunatic by Civil Court.
27.—Civil Court to make enquiry regarding disqualification on ground of natural or acquired defect or infirmity.
28.—Proceedings in case of defect or infirmity when proprietor in jurisdiction of High Court.
29.—Form of proceeding in such cases.
30.—Declaration of disqualification.
31.—Collector to report particulars of estates of disqualified persons.

PART VI.

Allowance for Support of Disqualified Proprietors.

32.—Allowance for ward.

PART VII.

Appointment and Duties of Managers and Guardians.

33.—Offices of manager and guardian distinct.
34.—Duties of manager and guardian respectively.
35.—Power to appoint one person to be manager and guardian.
36.—Documents to be executed by manager and guardian.
37.—Appointment of manager of estate.
38.—Manager to give security.
39.—Remuneration of manager.
40.—Application of penalties.
41.—Appointment of officers.
42.—Managers, &c., to be deemed to be in pay of the Government.
43.—Power to remove manager.
44.—Manager or guardian removed, to remain liable to account.
Penalty for refusal to deliver accounts.
45.—Duties of manager.
46.—Application of monies received by manager.
47.—Priority of Government revenue and cost of management.
48.—Manager to deliver accounts.
49.—Application of surplus.
50.—Power to invest surplus.
Custody of securities and papers.
Manager to deliver title-deeds.
51.—Manager to deliver annual accounts.
52.—Management of estate when funds sufficient.
53.—Person to whom accounts are to be furnished.
54.—Power to place several estates under one manager.
55.—No person to be guardian who can succeed to ward.
56.—Mode of appointing guardians.
57.—Power to dispense with guardian of female ward.
58.—Remuneration for guardian may be ordered.
59.—Guardian to give security.
60.—Establishment of servants.
61.—Custody of persons of wards.
62.—Guardian to give account of expenses.
63.—Saving of Act XXXV of 1858.

PART VIII.

Education of Minors.

64.—Education of minor wards.
65.—Residence of minors.
66.—Expenses of education of minors.

PART IX.

Debts of the Estate.

67.—Debts to be reported to Court.
68.—Power of sale and mortgage for the payment of debts.
Partition of property ordered to be sold or mortgaged.

PART X.

Suits.

69.—Manager to be next friend or guardian in suits by or against ward.
Court may nominate or substitute any other person.
70.—Payment of costs of manager.
71.—Process against wards to be served through Court.
72.—Suits not to be brought on behalf of minors.
73.—Power to compromise suits by or against ward.

PART XI.

Adoption.

74.—Adoption by ward invalid without consent of Lieutenant-Governor.

PART XII.

Miscellaneous.

75.—Tenures of wards' estates under Collector.
76.—When estate managed by Collector, he is to submit same accounts as manager.
77.—Procedure on termination of wardship.
78.—Accounts and lists to be furnished on termination of wardship.
79.—Where succession litigated, Court may continue possession.
80.—Power to sell property the succession to which is in dispute.
81.—Effect of sale.
82.—Power to sue Collector, guardian, or manager.
83.—Procedure in cases instituted under this Act.
84.—Power to Lieutenant-Governor to make rules.
85.—Court to be subject to Board of Revenue and Lieutenant-Governor.
86.—Repeal of laws.
87.—Commencement of Act.
88.—Short title.
Two Schedules.

ACT No. IV OF 1870.

(*Received the assent of His Honor on the 20th May* 1870, *and of the Governor-General on the 17th June* 1870.)

An Act to consolidate and amend the law relating to the Court of Wards within the Provinces under the control of the Lieutenant-Governor of Bengal.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the Court of Wards within the Provinces subject to the control of the Lieutenant-Governor of Bengal; It is enacted as follows:—

PART I.

DEFINITIONS.

Interpretation clause.

1. In this Act the following words and expressions shall have the meanings hereby attributed to them respectively, unless a contrary intention appear from the context, that is to say—

"Collector."

The word "Collector" includes any officer in charge of the revenue jurisdiction of a district.

"Court."

The "Court" shall mean the Court of Wards.

"Estate."

The word "Estate" shall mean any land subject to the payment to Government of revenue in respect of which the name or names of a proprietor or of proprietors are entered on the general register of estates paying revenue immediately to Government in the Collector's office of the district.

"Disqualified Proprietor."

The words "Disqualified Proprietor" shall mean persons who by the provisions of this Act are subject to the superintendence and jurisdiction of the Court of Wards.

"Minor."

The word "Minor" shall mean a person under the age of eighteen years.

PART II.

PERSONS DISQUALIFIED TO MANAGE THEIR OWN PROPERTY; AND PROPERTIES WHICH MAY BE BROUGHT UNDER THE MANAGEMENT OF THE COURT OF WARDS.

Estates of disqualified proprietors.

2. All proprietors of entire estates (other than proprietors who are subject to the jurisdiction as respects infants and lunatics of a High Court) who are, or may be, females not deemed by the Court competent to the management of their own estates, or

who are, or may be, minors, and all proprietors of entire estates who for the time being are, or may be, of unsound mind, or otherwise incapable of managing their affairs by reason of any disqualifying natural or acquired defect, shall be subject to the superintendence and jurisdiction of the Court of Wards; and all estates, the property of any such disqualified proprietors, when taken charge of by the Court of Wards, shall, whilst they shall be under the superintendence and jurisdiction of the Court, be exempt from sale for arrears of revenue. Provided, however, that all arrears of revenue shall be the first charge upon the proceeds of such estate in case the same may be sold for any other cause while under such superintendence and jurisdiction.

Estates of joint proprietors.

3. The superintendence of the Court is not to extend to joint proprietors of estates, any one of whom may not be of any of the descriptions specified in section two. Provided that whenever, by any order made under the provisions of section 14 of Act XL of 1858, passed by the Legislative Council of India, any Collector shall be directed to retain possession of the persons and properties of still disqualified proprietors, all further proceedings shall be had and taken according to the provisions of this Act as if such still disqualified proprietors were proprietors of an entire estate. And in case any of the qualified proprietors shall so consent, the management of the shares of such qualified proprietors may be retained or assumed by the Collector and carried out under the provisions of this Act, so long as it shall seem fit to the Collector and such qualified proprietors.

Disqualified persons acquiring estates.

4. No person shall become a ward of the Court by reason of his acquiring, while subject to any such disqualification as aforesaid, any estate, unless the same shall have accrued to him in the regular course of inheritance on the death of the person to whom he may succeed in such estate, or under, and by virtue of, the will of, or some settlement made by, some deceased owner thereof.

Board may direct Court to take charge of acquired estate.

Provided always that it shall be competent to the Board of Revenue to direct the Court to take charge of any estate, being the property of any disqualified person, or of any two or more persons, both or all of whom may be disqualified, although the same shall not have descended to such person or persons in any regular course of inheritance or succession, nor accrued to him or them by devise or settlement as aforesaid, whenever the same shall appear to the Board of Revenue to be advisable for the interests of Government, and of the proprietor or proprietors; and such estates under the superintendence and jurisdiction of the Court shall be exempt from sale for arrears of revenue accruing whilst they shall be under the superintendence and jurisdiction of the Court.

GENERAL SECRETARIAT

Arrears of revenue to be the first charge on the proceeds of such estates.

Provided, however, that all arrears of revenue shall be the first charge upon the proceeds of such estates in case the same may be sold for any other cause while under such superintendence and jurisdiction. And such estates shall be considered in all respects, as far as regards the management of them by the Court, as if they had devolved to the proprietor or proprietors in the regular course of inheritance or succession, or accrued to him or them by devise or settlement as aforesaid: and such proprietor or proprietors shall in all respects be treated by the Court accordingly.

Court to take charge of property inclusive of share.

5. When any person shall become a ward, the Court shall take charge of all property, real or personal, belonging to such proprietor, inclusive of any share in any joint undivided estate and of any tenures or shares of tenures of land. Provided that no such share, if subject to the payment of public revenue, shall be liable to sale for recovery of arrears of revenue, or for other demands similarly recoverable, until after the end of the year in which such arrears accrued. When, however, the share has been separated under section 10 or 11 of Act XI of 1859, passed by the Legislative Council of India, the protection given to entire estates under section two of this Act will be extended to such share, subject to the provisions of sections 13 and 14 of the said Act XI of 1859.

Power to refuse to admit ward and discharge estate.

6. It shall be lawful for the Court, if it shall think fit, by an order under the seal thereof, to refuse to admit any such disqualified proprietor as aforesaid to be a ward thereof: or by like order, and with the sanction of the Board of Revenue, to discharge any estate from the Court's further superintendence and jurisdiction.

Exemption from sale. Arrears of revenue.

Provided, however, that no estate, the sole property of a minor or of two or more minors, and descended to him or them by the regular course of inheritance, or by virtue of the will of some deceased owner thereof, shall, until such minor or some one or more of such minors shall have attained the age of eighteen years, be sold for arrears of revenue accruing subsequently to his or their succession to the same: Provided, also, that all arrears of revenue shall be the first charge upon the proceeds of such estate in case the same may be sold while such proprietor is disqualified. But the revenue authorities shall, on an arrear so accruing, be authorized to farm the estate for a period not exceeding ten years, nor exceeding the time when the minor or one of the minors shall have attained the age of eighteen years. Provided, further, that the Court may by a further order rescind any such order and make such disqualified proprietor a ward of the Court.

The exemption from sale for arrears of revenue, given by this section, shall only apply to cases where due notice shall have been given to the Collector, and been acknowledged by him before the sale, of the fact that the estate is the sole property of a minor, or the property of two or more minors.

Exemption from sale only to apply to certain cases.

7. When an estate shall have been farmed under the provisions of the last preceding section, the proceeds of such farm shall be paid to the Collector, and the Collector, after the deduction of the amount of the claims of the Government for revenue, shall, with the sanction of the Board of Revenue, either pay the same to the person authorized to receive it for the minor, or shall dispose of it for the minor's benefit in any of the modes mentioned in section forty-nine.

Application of proceeds of farmed estate.

PART III.

CONSTITUTION AND POWERS OF THE COURT OF WARDS.

8. In every division of the provinces subject to the control of the Lieutenant-Governor of Bengal, there shall, from and after the passing of this Act, be a Court of Wards. The Commissioner of Revenue of each such division shall be such Court, and shall have and exercise all the powers and authorities conferred by this Act upon the Court over the persons and property of all wards of such Court.

Court of Wards in each division.

9. It shall be competent to the Court to manage estates and other lands falling under their charge, either by appointment of a manager, or by giving some or all of the estates and lands in farm, or by adopting such other form of management as may to the said Court seem most expedient. Provided that no lease or farm shall, except under the sanction of the Board of Revenue, be given for a term exceeding ten years, nor beyond the period of expiration of the ward's minority, and provided that all leases given by the Court, or by the Collector acting for the Court, or by the manager, shall become null and void on the removal of the estate from the superintendence of the Court for whatever cause, save leases made with such sanction as aforesaid.

Power to manage estates.

10. It shall be lawful for the Court from time to time to make such orders and to give such instructions for the management of the estates and properties and the care of the persons of the wards thereof, or of any of them, as to such Court shall seem fit, and from time to time to alter, vary, or revoke any such orders or instructions, provided that such orders be not inconsistent with the provisions of this Act or of any law for the time being in force, or of any orders which may from time to time be made by the Lieutenant-Governor under the provisions of this Act, or of any orders issued by the Board of Revenue.

Power to make orders.

The powers exercisable by the Board of Revenue under this Act have been delegated to the Chief Commissioner of Assam, for the purpose of being exercised within his Commissionership, *Gazette of India*, 1874, p. 335.

PART IV.

POWERS AND DUTIES OF COLLECTORS.

Collector to have charge of ward whose estate is in his district.

11. When the estate or lands of a ward are situated within one district only, the Collector of such district shall exercise the duties of the Court with respect to the ward and to his moveable and immoveable property.

If estate in more than one district, Court to appoint Collector to have charge of ward.

12. When the estate or lands of a ward are situate within more than one district, but within the same division, the Court in that division shall appoint some one of the Collectors within the division to exercise the duties of the Court with respect to the person of the ward.

Collector to administer estate in his district.

13. When the estate or lands of a ward are situated within more than one district, but within the same division, the Collector of each district shall exercise the duties of the Court with respect to the ward's property situate within his district. Provided, however, that it shall be lawful to the Court, with the sanction of the Board of Revenue, to entrust to any one Collector the control of the management of any portion of the ward's property not situate within his own district.

Where estates in several divisions, Court to have charge of ward to be determined by Board of Revenue.

14. When the estate or lands of a ward are situate within two or more divisions, the Board of Revenue shall determine the Court which shall have the charge of the person of eqı ard. And such Court shall appoint some one of the Collectors within its own division to exercise the duties of the Court with respect to the person of the ward.

Superintendence of estates in different divisions.

15. When the estate or lands of a ward are situate within two or more divisions, the Court of each division and the Collector of each district shall control and superintend the management of such portion of the property as is situate within their jurisdictions. Provided that the Court to whom the charge of the ward's person has been committed under the preceding section shall exercise a general control over all disbursements and payments connected with the ward's property wherever situate and over the accounts of such property. Provided, also, that it shall be competent to the Board of Revenue to direct that the Court in charge of the ward shall have the entire control of all or of portions of the ward's property wherever situate, under such form of management as may appear to such Board advisable, or to take any other action which may seen convenient for the due care of the ward's interests and the efficient management of his property.

16. Immediately on an estate being, under the provisions of section thirty, declared subject to the jurisdiction of the Court, the Collector shall search for and take possession of all seals and such accounts and papers as it may appear to him advisable to take possession of, and shall, at his discretion, remove them to his own office, or send them to the custody of the Court. He shall also take possession of all moveable property, and place under proper custody such portion thereof as he may think necessary. And it shall be lawful for the Collector, in case he has reason to believe that any such seal, account paper or property is in any room, box, or receptacle, within any house or on any land in the actual possession of the ward, to break open the same for the purpose of searching for such seal, account paper, or property.

Collector to seize seals, papers, and moveable property.

17. Every Collector shall, within six months from the date of his taking possession of the property of a ward under the provisions of this Act, deliver to the Court an inventory of all immoveable and moveable property so taken possession of.

Collector to deliver inventory.

18. All orders and proceedings of a Collector, under the provisions of this Act, shall be subject to the revision of the Court, and every person aggrieved by any such order or proceeding may, within a month from the date of such order or proceeding, prefer an appeal therefrom to the Court in charge of the estate in respect of which such order may have been made or proceeding taken; or in case such order may not have been made in respect to an estate, then to the Court in charge of the ward in respect to whom or to whose property such order may have been made, or proceeding taken; provided always that it shall be lawful for such Court, if it shall think fit, to revise, modify, or reverse any such order or proceeding after the lapse of the said period of one month, whether any appeal shall have been preferred or not.

Collector to be subject to Court.

PART V.

Mode of ascertaining the ground of disqualification.

19. Every Collector, immediately upon his receiving credible information that disqualification under this Act attaches to any proprietor of an estate in his district, shall report the same to the Court of his division, and shall specify the nature of the disqualification.

Collector to report disqualification of proprietors.

20. Whenever any Collector shall receive information that any proprietor of an estate within his district has died, and that the heirs of such proprietor are disqualified, it shall be lawful for such Collector to take order for the safety and preservation of any moveable property of such deceased proprie-

Proceedings on death of a proprietor whose heirs are disqualified.

tor, and of all deeds, documents, and papers relating to any portion of the property of such proprietor, and for that purpose to cause the same or any part thereof to be removed to any public treasury, or to place such guards in charge thereof as to him shall seem fit.

Inquiry in case of females.

21. If any female proprietor shall be reported to be disqualified from incompetency to manage her estate, the Court shall immediately proceed to ascertain whether such proprietor be competent from her capacity and habits of business to manage her own estate, and such Court shall, if satisfied that such proprietor is competent to the management of her own estate, by an order under the seal of such Court, exempt her from the operation of this Act, and if not so satisfied, shall by a like order declare such proprietor to be a ward and shall immediately take charge of her estate under the provisions of this Act.

Inquiry in case of minors.

22. If any proprietor who is not subject to the jurisdiction, as respects infants, of a High Court of Judicature, shall be reported to be a minor, the Court shall direct the Collector to proceed to enquire into the age of such proprietor, and for that purpose the Collector shall have power to require the production in person of such proprietor, if a male, and of all documents from which the truth of such matter may appear, and to take evidence of witnesses upon oath or solemn affirmation. The Collecter shall record such evidence, and report thereupon, and shall submit such report and all evidence taken by him to the Court. The Court shall thereupon make an order declaring the age of such proprietor, and such order shall be final and conclusive for all the purposes of this Act. The Court shall retain all documentary evidence filed with such report until the minor shall have attained the age of eighteen years, unless, upon an application made thereto, it shall see fit to allow any such document to be restored to the owner thereof.

Production of minor and order for his temporary custody.

23. The Collector may direct that any person having the unlawful custody or being unlawfully in possession of the person of any minor ward shall produce him or her before the Collector on a day fixed by him, and may make such order for the temporary custody and protection of such minor as may appear proper. In the event of disobedience to his orders under this section, the Collector may impose a fine not exceeding five hundred rupees, and a daily fine not exceeding two hundred rupees, until the production of the person of the minor. In the case of a female minor ward she shall not be brought into Court.

Inquiry in case of lunatics, &c.

24. If a proprietor who is not subject to the jurisdiction in lunacy of any or either of the High Courts of Judicature be deemed disqualified on the ground of idiotcy, or

lunacy, the Court shall order the Collector making such report to apply, in pursuance of the provisions of Act XXXV of 1858, passed by the Legislative Council of India, to the Civil Court of the zillah within the jurisdiction of which such proprietor may reside.

See IN THE MATTER OF THE PETITION OF KOWLBAS KOOER, 8 B. L. R., App. 50.

Proceedings in case of proprietor found lunatic by High Court.

25. If a proprietor shall, under the provisions of Act XXXIV of 1858, passed by the Legislative Council of India, have been found by any High Court of Judicature to be of unsound mind and incapable of managing his affairs, the Court may (subject to the powers of the High Court under the said Act XXXIV of 1858) take charge of the estate and lands of such proprietor situate beyond the local limits of the jurisdiction of such High Court, and deal with the same subject to the provisions of this Act. Provided that in such case no further proceedings shall be taken under the last preceding section, nor shall it be competent to the Court to appoint a guardian of the person of the said proprietor. Provided, also, that the surplus income of the property so taken charge of by the Court, after providing for the discharge of the Government revenue and the expenses of management, shall be disposed of from time to time in such manner as the said High Court shall direct, and not otherwise.

Proceedings in case of proprietor found lunatic by Civil Court.

26. When a proprietor, resident beyond the provinces subject to the government of the Lieutenant-Governor of Bengal, shall, by a Civil Court of competent jurisdiction, under the provisions of Act XXXV of 1858, passed by the Legislative Council of India, have been declared to be of unsound mind and incapable of managing his own affairs, the Court may take charge of the estate and lands of such proprietor situate within the said provinces and deal with the same subject to the provisions of this Act. Provided that in such case no further proceedings shall be taken under section twenty-four of this Act, nor shall it be competent to the Court to appoint a guardian of the person of the said proprietor. Provided, also, that the surplus income of the property so taken charge of by the Court, after providing for the discharge of the Government revenue, and the expenses of management, shall be disposed of, from time to time, in such manner as the said Civil Court shall direct, and not otherwise.

Civil Court to make enquiry regarding disqualification on ground of natural or acquired defect or infirmity.

27. If a proprietor resident without the local limits of the jurisdiction of the High Court be deemed to be disqualified on the ground of some natural or acquired defect or infirmity, other than unsoundness of mind, the Court shall order the Collector making the report to apply to the Civil

Court within whose jurisdiction such person may be residing, and upon such Collector so applying, such Civil Court shall institute an enquiry for the purpose of ascertaining whether such person is or is not subject to such disqualifying defect or infirmity.

Proceedings in case of defect or infirmity when proprietor in jurisdiction of High Court.

28. If a proprietor, resident within the local limits of the jurisdiction of the High Court of Judicature at Fort William in Bengal, or resident beyond the provinces subject to the government of the Lieutenant-Governor of Bengal, shall be reported by a Collector to be disqualified by reason of some natural or acquired defect or infirmity, other than unsoundness of mind, the Court, within whose division the estate or lands of such proprietor are situate, shall order the Collector making such report to apply to the Civil Court of the 24-Pergunnahs, or to such other Civil Court as the Lieutenant-Governor, on application made to him by the Collector in that behalf, may determine. Such Civil Court shall thereupon enquire into and determine the question as to the alleged disqualification, and the provisions of sections 4, 7, and 22 of the said Act XXXV of 1858 shall apply to such enquiry.

Form of proceeding in such cases.

29. When any enquiry is instituted before a Civil Court under section twenty-seven or section twenty-eight of this Act, such Court shall, for the purposes of making such enquiry, have such and the same or the like powers and authorities, and shall proceed in such and the same or the like manner and form as in and by the said Act XXXV of 1858 are provided for making the enquiries in and by the same Act directed to be made. The Civil Court shall transmit to the Court by which any enquiry under section twenty-four or twenty-five shall have been directed, a copy of the order made on each such enquiry, and the Court shall thereupon, in case the proprietor shall have been found by the Civil Court to be disqualified, treat such proprietor as subject to its superintendence and jurisdiction.

Declaration of disqualification.

30. Whenever it shall have been determined under the provisions aforesaid that the proprietor of an estate is disqualified, the Court shall make an order declaring such estate to be subject to the jurisdiction of the Court, and directing charge of such proprietor and of his property to be taken, and the Collector of every district within which there may be any property of the ward, shall, as soon as conveniently may be, take possession of such property, and the Court shall be held to be in charge of such property from the time when possession shall have been so taken.

31. Every Collector in charge of a ward shall forthwith report to the Court in charge of such ward the condition of such ward, the particulars of his property, real and personal, so far as the same can be ascertained, and the persons who respectively may appear to be most eligible to be appointed manager and guardian, with the grounds of such opinion. Provided always that when a guardian of a minor ward shall have been appointed by will, such person shall be appointed guardian by the Court, unless the Board of Revenue, after a report received from the Court, and after calling on the testamentary guardian to show cause, shall consider him disqualified or unfit.

Collector to report particulars of estates of disqualified persons.

PART VI.

Allowance for Support of Disqualified Proprietors.

32. The Court shall allow for the support of each ward, and of his or her family, such monthly sum as may seem fit with regard to the rank and circumstances of the parties and their indebtedness or freedom from debt.

Allowance for ward.

PART VII.

Appointment and Duties of Managers and Guardians.

33. The offices of manager and guardian for wards shall be deemed to be wholly distinct.

Offices of manager and guardian distinct.

34. When the offices of manager and guardian are vested in different persons, the manager shall have the care of the moveable and immoveable property of such ward, save such property as may be under the immediate charge of any Collector, and the guardian shall have the superintendence and care of the person and maintenance of the ward.

Duties of manager and guardian respectively.

35. It shall be lawful for the Court in charge of a ward, if it shall think fit, to appoint the same person to be guardian and manager; but in every case where one person shall be appointed to be both manager and guardian, he shall render all such accounts, and perform all such duties as in and by this Act are required from manager and guardian respectively and severally.

Power to appoint one person to be manager and guardian.

36. Every manager and every guardian shall sign and seal all papers, deeds, documents, and writings which may be executed by him by virtue of his office with his own name and seal; and shall add to his name his description of manager or guardian of the ward for whom he may act as the case may be; and every manager shall deliver to the Collector in charge of the estate of

Documents to be executed by manager and guardian

which he is a manager, and every guardian shall deliver to the Collector in charge of the ward, all family seals belonging to the ward which may come to his power or control, and such seals shall be deposited wherever the Court shall order.

Appointment of manager of estate.

37. Every manager of the estate of any ward shall, subject to the approbation of the Board of Revenue, be appointed by the Court in charge of such estate, and his commission shall be authenticated by the official seal of such Court. Provided, however, that whenever any ward may have estates in more than one division, the manager appointed by the Court in charge of such ward shall be appointed manager of all other estates of such ward by the respective Courts in and for the divisions in which such estates respectively are situate; but any such Court may, with the assent of the Board of Revenue, appoint a separate manager for the estate or estates under its charge, or a sub-manager who shall act under the orders of the manager.

Manager to give security.

38. Every manager of an estate, previous to the receipt of his commission, shall give security for the due performance of his duty as such manager, and shall execute an agreement with the Collector for the time being in the form in Schedule A. Provided that with the assent of the Board of Revenue, such security may be dispensed with. Provided, also, that no security shall be required from a manager if he be the testamentary guardian.

Remuneration of manager.

39. The manager of every estate shall receive from such estate such remuneration, by salary, commission, or otherwise, as shall be fixed and determined by the Court with the assent of the Board of Revenue. Provided, always, that it shall be lawful for the Court, with similar assent, by an order to alter or vary such remuneration, if it shall seem just and expedient so to do.

Application of penalties.

40. All monies which may be recovered from any manager under the provisions of his obligation, shall be carried to the credit of the estate of the ward.

Appointment of officers.

41. An establishment of necessary officers to act under the manager or sub-manager shall be fixed by the Court in charge of the estate. The Collector, after consultation with the manager, shall nominate the persons to be employed on such establishment, subject to the approval of the Court.

Managers, &c., to be deemed to be in pay of the Government.

42. The manager and all persons employed in the management of the estate of any ward, shall be deemed to be officers in the pay of Government, in respect of their employment and remuneration, and every manager, sub-manager, or

guardian under this Act shall be held to be a public accountant under the provisions of Act XII of 1850, passed by the Legislative Council of India.

Power to remove manager.

43. The Court by which any manager or guardian or other person has been appointed, may, if it shall think fit, with the assent of the Board of Revenue, remove such manager or guardian or other person, and may order the person so removed to make over, within a time fixed by the Court, any property in his hands to such person as the Court may direct to receive the same, and to account to such person for all monies received and disbursed by such manager, or guardian; and every such order may be enforced by the Court by the imprisonment in the civil jail of the person disobeying the same, and by attachment of his property, and keeping it under attachment until the accounts or property shall have been delivered up.

Collector may remove any officer appointed by himself.

The Collector in charge of any property of the ward, may, if he shall think fit, remove any officer appointed by himself, and may order any officer so removed to deliver his accounts or any property in his hands, and such order shall be enforced in manner aforesaid, and the diet-money of every person imprisoned under this section shall be paid out of the proceeds of the estate. Provided that every order for imprisonment by the Court shall be subject to appeal to the Board of Revenue.

Manager or guardian removed, to remain liable to account.

44. Every manager, sub-manager, or guardian, who may be removed or otherwise cease to fill such office, shall, notwithstanding his removal or cesser of office, continue liable to account to the Court for his receipts and disbursements during the period of his management, or guardianship, or tenure of office.

Penalty for refusal to deliver accounts.

And when any present manager, sub-manager, or guardian, or past or present officer subordinate to a manager, sub-manager, or guardian, shall wilfully neglect or refuse to deliver his accounts or any property in his hands within such time as shall be fixed by the said Court, the Court may impose on him a fine not exceeding five hundred rupees, and in addition to any other remedy for the recovery of such fine, every such fine shall be a demand recoverable as an arrear of revenue.

Duties of manager.

45. The manager appointed by the Court shall have the care of the entire property, real and personal, of the ward, save estates or lands to which another manager may be appointed, or which are under the direct management of a Collector. He shall have the exclusive charge of all lands, save as aforesaid, whether malgoozary or lakhoraj; as well as of all houses, tenements, goods, money, and

moveables of whatever nature, belonging to the ward whose estate may be committed to his charge, excepting only the house wherein such ward may reside, the moveables wanted for his use, and the money allowed for the support of the ward and the members of his family entitled to a provision; but every manager shall be subordinate to the Court and to the Collector under whose superintendence the estate or lands may be.

Application of monies received by manager.

46. All monies received by any manager of an estate shall be applied by him in the first place in payment of the allowance fixed for the support of the ward and of all charges of management, and subject thereto in or towards the discharge of the monthly kists of Government revenue.

Priority of Government revenue and cost of management.

47. In case any attachment be issued from any Civil Court against any sum of money which may be in the hands of the Collector or manager, the payment of the charges of management and of all Government revenue which may for the time being be due from the estate of such ward shall have priority over such attachment. And no payment shall be made to the attaching creditor from any such sum until full provision shall have been made for the payment of such charges and revenue.

Manager to deliver accounts.

48. Every manager shall deliver a monthly account-current, accompanied with vouchers, of his receipts and disbursements to the Collector in charge of the estate, who shall audit the disbursements therein specified.

Application of surplus.

49. Whenever upon any such monthly account-current there may be any surplus after making the several payments directed in section forty-six, such surplus shall, at the Collector's discretion, with the sanction of the Court, be carried to the credit of the ward, or shall be applied in liquidation of any debt which may affect the property of the ward or any part thereof, and subject thereto, the same shall, if no such debts be outstanding, be expended by the manager, subject to the directions of the Court, for the improvement of the lands of the ward, or otherwise for the benefit of the property under his charge.

Power to invest surplus.

50. Whenever the Court in charge of a ward shall think it unnecessary or unadvisable to appropriate any surplus receipts to the improvement of the lands already under the manager's charge, the same shall, by the direction and with the privity of the Court, be applied in the purchase of other landed property, or at interest upon Government security, or in the purchase of Government paper securities, or such other securities, stocks, or shares guaranteed by the Government of India and approved of by the Board of Revenue, as to the Court shall seem fit.

All title deeds and documents relating to any land purchased under the provisions aforesaid, and all Government paper securities, and other securities and shares as aforesaid, shall be deposited in such public treasury as the Court may direct. The Court shall obtain the treasurer's receipt for all deeds, documents, and papers when deposited in any such treasury, and shall transmit an attested copy thereof to the Collector in charge of the estate, to be delivered by him to the manager.

Custody of securities and papers

Every manager of an estate, and every guardian in charge of a ward, shall deliver any title deeds, or Government or other securities belonging to the estate or property of a ward under his charge, to the said Collector in charge of such estate, and such Collector shall return a receipt for the same and transmit such deeds and securities to the Court in charge of the ward, or deposit them in his public treasury as above directed. All interest or dividends which may become payable on Government or other securities or shares shall be paid to the manager and shall be accounted for by him in his monthly account-current.

Manager to deliver title deeds.

51. In addition to the monthly account-current required in section sixty-eight, the manager of every estate, at the expiration of every year, shall deliver to the Collector in charge of such estate an annual account of all moneys which have come to the hands of such manager during such year on account of such estate, or on account of any property of such ward of which such Collector may have charge, and of the application and disposal of all such moneys; and the said Collector shall audit the disbursements, and take order that the whole of the surplus receipts be duly appropriated in the manner specified in sections forty-nine and fifty.

Manager to deliver annual accounts.

52. Whenever it shall appear to the Court that the produce of the estate of any ward or of any other property of the ward is insufficient to provide for the expenses of a separate establishment for the management in conformity with sections thirty-four and forty-one of this Act, the Court shall take such order as from the circumstances of the case may appear best calculated for providing for the security of the public revenue and for the interests of the ward.

Management of estate when funds deficient.

53. When portions of the same estate of any ward may be situated in different districts of the same division, the monthly and annual accounts of all such estates or portions of an estate required to be furnished by the manager, shall be rendered to the Collector in charge of the ward. When the property of the ward consists of different estates or lands or parts of the same estate

Person to whom accounts are to be furnished.

or land in different divisions, it shall be optional with the Board of Revenue to order that the accounts for the lands in each district shall be submitted to the Collector of that district, or to the Collector in charge of the ward, or to the manager, or sub-manager.

Power to place several estates under one manager.

54. Whenever two or more estates belonging to different wards are so situated that they can be conveniently superintended by one manager, the Court may, if it shall see fit, entrust them, or so many of them as may seem convenient to the management of the same manager.

No person to be guardian who can succeed to ward.

55. No person who would be the next legal heir of a ward or would otherwise be immediately interested in outliving such ward, shall be appointed to be his guardian. Provided, however, that this section shall not apply to the mother of a ward or to a testamentary guardian appointed under section thirty-one.

Mode of appointing guardians.

56. Every guardian shall be appointed in the manner hereinbefore provided for the appointment of managers. Provided always that none but a female shall be appointed guardian of a female ward. Provided, also, that none but a person of the same religion, if Hindoo or Mahomedan, shall, except in the case of a testamentary guardian, be appointed guardian of a female ward, preference being given to female relatives, if any such be eligible.

Every guardian shall be subordinate to the Court and to the Collector exercising the duties of the Court under section eleven, twelve, fourteen, and fifteen.

Power to dispense with guardian of female ward.

57. It shall be lawful for the Court to empower any female ward herself to receive and disburse the allowance fixed for her maintenance, and in such case no guardian shall be appointed, or the guardian, if already appointed, shall be removed.

Remuneration for guardian may be ordered.

58. The Court may order reasonable remuneration to be paid from the allowance fixed for the maintenance of any ward to the guardian of such ward.

Guardian to give security.

59. The guardian, previous to the receipt of his commission, shall give security for the due performance of his duty during the continuance of it, and shall execute an agreement with the Collector for the time being in charge of the ward in the form in Schedule B. Provided that, with the assent of the Board of Revenue, such security may be dispensed with. Provided, also, that no security shall be required from a testamentary guardian.

60. An establishment of necessary servants to act under the guardian shall be fixed by the Court, and the expense thereof shall be defrayed from the allowance fixed for the support of the ward.

Establishment of servants.

61. The right to the custody of the person of every ward not being an adult female, is hereby vested in the person who for the time being may be guardian of such ward under this Act, or, in the absence of such person, in the Collector in charge of such ward. Provided always that no guardian shall be appointed nor continued for a female ward if she has an adult husband.

Custody of persons of wards.

62. The guardian shall deliver a monthly account-current accompanied by vouchers, of his receipts and disbursements to the Collector in charge of the ward, who shall audit the disbursements therein specified, and see that the receipts have been fairly and duly appropriated. The guardian shall also deliver an annual account-current which shall be in like manner audited by such Collector, and if there shall be any surplus remaining in the hands of such guardian, which such Collector may think unnecessary for the guardian's expenses in the ensuing year, he shall cause the same to be paid into Court to the credit of the ward, and the same shall be applied by the Court for the increase of the property of the ward in manner hereinbefore provided for the application of the surplus of the income of such minor.

Guardian to give account of expenses.

63. Nothing in the preceding sections shall be held to interfere with the provisions of the said Act XXXV of 1858.

Saving of Act XXXV of 1858.

PART VIII.

Education of Minors.

64. The general superintendence and control of the education of every minor ward is hereby vested in the Court.

Education of minor wards.

65. It shall be lawful for the Court to direct that any such minor, if a male, shall reside either with or apart from his guardian at the sudder station of the district or at any other place approved of by the Board of Revenue, and shall attend, for the purposes of education, such school or college as to the Board of Revenue may seem expedient, or be educated either at his own home or elsewhere by a private tutor, and to make such provision as may be necessary for the proper care and suitable maintenance of the said minor whilst attending such school or college.

Residence of minors.

66. All charges and expenses which may be incurred on account of any such minor ward under the provisions of this Act for college or school fees, or for other charges of tuition or education, or by reason of his residence in any place other than his own home, or otherwise, shall be defrayed from the profits of the property.

Expenses of education of minors.

PART IX.

DEBTS OF THE ESTATE.

67. Every manager to whom the existence of any debt payable out of any estate or out of any other property in his charge under this Act may become known, shall immediately report the same to the Collector, who shall without delay report to the Court the nature and amount of such debt, and in such report shall state his opinion respecting the best mode of satisfying the same.

Debts to be reported to Court.

68. With the consent of the Board of Revenue it shall be competent to the Court in charge of any ward, in any case in which it shall appear expedient, to sell or mortgage any property of a ward for the purpose of liquidating any just debts due in respect of the property of such ward, or for the purpose of raising any money for the cost of any suit in which the ward may be a party, or for the purchase of any share of any property of which the ward may be a co-sharer, and for the default in payment of the revenue of which the ward's share may, under the provisions of Act XI of 1859, passed by the Legislative Council of India, be liable to sale, and for the purpose of any such sale or mortgage, any conveyance executed by the Collector in charge of the ward, under the order of the Court, shall be valid to pass the estate and inheritance, right, title, and interest in the property in such conveyance mentioned of such ward and of every person whom such ward, if not disqualified, could have bound by a conveyance made for the payment of the debts of the ancestor from whom such property descended.

Power of sale and mortgage for the payment of debts.

If the property so ordered to be sold or mortgaged be part of an estate of which such ward be the sole proprietor, or if it be a share of an estate separated under the said Act XI of 1859, and if it shall appear to the Court that it will be to the interest of such ward or of the Government that such part or share be formed into a separate estate prior to such sale or mortgage being effected, it shall be competent to the Court to direct the Collector within whose jurisdiction such part or share be situate, to partition it off into a separate estate, and such partition shall be conducted in accordance with the law which may be for the time being in force for the partition of estates.

Partition of property ordered to be sold or mortgaged.

PART X.

SUITS.

Manager to be next friend or guardian in suits by or against ward

69. In every suit brought by or against any ward in any Court other than the High Court, he shall be therein described as a ward of Court; and in case he have a manager of his estate or estates as hereinbefore provided, such manager shall in such suit be named as next friend or guardian in the suit of such ward, and shall in such suit represent such ward, and no other person shall sue as next friend or be named as guardian in the suit by any Civil Court in which such suit may be pending.

Court may nominate or substitute any other person.

But the Court of Wards may by an order nominate or substitute any other person to be next friend or guardian in any such suit; and upon receiving a copy of any such order of substitution, the Court in which such suit shall be pending shall substitute the name of the next friend or guardian in the suit so appointed, for the name of the manager of the ward's property. If the ward have no manager, the Collector in charge of such ward shall be named as next friend or guardian in the suit of such ward.

Payment of costs of manager.

70. If in any suit instituted by or against a ward any Civil Court may decree any costs against the manager as guardian or next friend, or against any other person nominated as guardian or next friend under the provisions of section sixty-nine, the Court shall cause such costs to be paid out of any property of the ward which for the time being may be in its hands.

Process against wards to be served through Court.

71. Every process which may be issued out of any Civil Court other than the High Court against any ward, shall be served through the Court, upon the next friend or guardian in the suit of such ward, and upon the Collector in charge of the estate of such ward.

Suits not to be brought on behalf of minors.

72. No suit shall be brought on behalf of any ward unless the same be authorized by some order of the Court in charge of such ward. Provided that nothing herein shall be deemed or taken to apply to any suit instituted or depending in the High Court.

Power to compromise suits by or against ward.

73. It shall be lawful for the Court to submit to arbitration, or otherwise to compromise, any claim which may be made by or on behalf of or against any ward, and every such submission to arbitration or compromise shall have the same force and effect as if the ward were not subject to any disqualification, and had personally entered into such submission or compromise; and for the purpose of any

such compromise, any conveyance executed by the Collector under the orders of the Court shall be valid to pass the estate and inheritance, right, title, and interest in the property therein comprised of the ward, and of all persons whom such ward, if not disqualified, could have bound by a conveyance made for the payment of the debts of the ancestor from whom such property descended.

PART XI.

ADOPTION.

Adoption by ward invalid without consent of Lieutenant-Governor.

74. No adoption by any ward and no written or verbal permission to adopt given by any ward is to be deemed valid without the previous consent of the Lieutenant-Governor, on application made to him through the Court and Board of Revenue.

PART XII.

MISCELLANEOUS.

Tenures of wards' estates under Collector.

75. Farmers and others holding tenures in estates in charge of the Court direct from the Collector shall be subject to the same Rules, Regulations, and Acts as are applicable to other persons holding similar tenures and interests under Collectors of the land revenue; but when the farm is held from the manager, these Rules, Regulations, and Acts shall not apply.

The provisions of this section apply only to tenures created by the Collector during the time the estate has been in the hands of the Court of Wards, and not to tenures created previously. A Collector, therefore, has no power to sell for arrears of rent a tenure created before he took charge of the estate without previously obtaining a decree for such arrears in the regular way—COLLECTOR OF CHITTAGONG *v.* KALA BIBI, 18 B. L. R., 343.

When estate managed by Collector, he is to submit same accounts as manager.

76. When a ward's property is managed wholly or in part under the system of farms held direct from the Collector, or is managed direct by the Collector, the Collector shall prepare and submit to the Court the same accounts that are ordered to be prepared by the manager when the property is managed by a manager.

Procedure on termination of wardship.

77. Whenever an estate shall cease to belong to a disqualified proprietor, or it shall be considered advisable to remove an estate from the superintendence and jurisdiction of the Court, the Court shall make an order that the superintendence and jurisdiction of the Court over such estate shall cease on a date not more than sixty, and not less than fifteen days from the date of such order. Immediately on issue of this order a copy of such order shall be posted up in the office of the Court, and copies thereof shall be sent to the Collector in charge of the ward and to every Collector in charge of any estate to property of such ward,

and every such Collector shall forthwith, on receipt of such copy, notify the intended cessation of the Court's charge by a notice put up in such Collector's office, and in some conspicuous place in the estate.

Accounts and lists to be furnished on termination of wardship.

78. When an estate under the Court of Wards is released from the superintendence of such Court, a list in duplicate of the papers to be delivered and of all immoveable and moveable property which may be in the custody or charge of the Court or of any Collector or manager shall be made by such officer of the Court as the Court may direct, and such papers and moveable property shall be given up to the late ward or other person who shall succeed to his estate with one of the lists, on a receipt being affixed to the other, signed either by the late ward or the person who shall succeed to his estate, or by some person authorized to act on his behalf; also a complete account of the management, while under the superintendence of the Court, of the property of the proprietor of such estate from the beginning, shall be prepared by the manager or Collector (as the case may be) and submitted to the Court, and a copy thereof given to the late ward, or to the person who shall succeed to his estate.

Where succession litigated, Court may continue possession.

79. If on the death of any ward the succession to his property or any part thereof be in dispute, it shall be competent to the Court, if it think fit, to continue the charge and management of such property or part thereof under the provisions of this Act, until an order for making over the possession and management of such estate shall have been made by a competent Court.

The power of the Court of Wards to bring a suit on behalf of a minor has been held not to cease with the death of a minor—MUSSAMUT SOOMUNGUL KOER *v.* THE COURT OF WARDS, 17 W. R., 560.

Power to sell property, the succession to which is in dispute.

80. If within one year after the death of a ward, the succession to whose property or some part thereof is in dispute, no suit, be instituted to determine the right to the property so in dispute, it shall be lawful to the Court, with the sanction of the Board of Revenue, either to make over such property to any claimant thereof, or to cause the same to be sold by public auction, and the proceeds thereof, after deducting therefrom sums payable to Government, to be invested in Government promissory notes, such notes to be held by the Court in trust for the person who may be entitled thereto.

Effect of sale.

81. Every sale to be made in pursuance of the last preceding section shall be valid to pass the right, title, and interest in the property so sold, of such deceased ward, and of every person claiming by, through, or under such deceased ward, or by way of succession, inheritance, remainder, or reversion, depending on the estate of such ward.

82. If a proprietor shall have been declared disqualified and shall have been afterwards restored, or if the estate of any disqualified proprietor shall legally devolve to, or come into the possession of, any person not disqualified for the management of it, such proprietor or his heir or successor is declared entitled to sue any person professing to have acted under the authority of the Court, for any acts done by them respectively whilst the estate may have been under the charge of the Court of Wards in opposition to this or any other Act that may be hereafter enacted regarding disqualified proprietors and their estates, or to any order issued by the Court of Wards, or for any breach of their respective trusts.

Power to sue Collector, guardian, or manager.

83. In cases instituted under this Act, the Court shall be guided by the procedure prescribed in the *Code of Civil Procedure, in so far as the same shall be applicable and material; and any order made by the Court may be enforced as if such order had been made in a regular suit.

Procedure in cases instituted under this Act.

84. It shall be lawful for the Lieutenant-Governor to make such general rules for the better fulfilment of the purposes of this Act as he may think fit (provided such rules be not inconsistent with the provisions of this Act), and from time to time to alter, vary, or revoke any of such rules; and such rules, or alteration, or revocation of rules, shall be published in the *Calcutta Gazette,* and from and after such publication thereof, shall have the same force and effect as if they were inserted herein.

Power to Lieutenant-Governor to make rules.

85. The powers and authorities vested by the provisions of this Act in the Court shall be possessed and exercised subject to the entire control and supervision of the Board of Revenue and of the Lieutenant-Governor.

Court to be subject to Board of Revenue and Lieutenant-Governor.

86. On and after the 1st day of June 1870, Regulation X of 1793, Regulation L of 1793, Regulation LV of 1795, section 2 of Regulation III of 1796, section 26 of Regulation VII of 1799, so far as regards the appointment of managers by the Collectors, Act XXVI of 1854, passed by the Legislative Council of India, so far as it relates to the provinces under the control of the Lieutenant-Governor of Bengal, and section 25 of Act XL of 1858, passed by the same authority, so far as the same relates to any guardian appointed under this Act; and also Regulation VI of 1822, so far as it relates to the provinces under the control of the Lieutenant-Governor of Bengal—shall stand and be repealed save so far as regards estates, properties, and wards which before the said 1st day of June 1870 may be under the control of the Court of

Repeal of laws.

* Act X of 1877, section 3, para 2.

Wards, but on and after the said 1st day of June 1870, all further proceedings respecting such estates, properties, and wards shall be had in the Courts created by this Act as if such estates, properties, and wards had been brought under the superintendence of the Court under the provisions of this Act, and all the powers and authorities by this Act conferred upon the Lieutenant-Governor of Bengal, the Board of Revenue, the Court, the Collector, the manager, or the guardian, shall in like manner apply to such estates, properties, and wards.

Commencement of Act.

87. This Act shall commence and take effect on the 1st day of June 1870.

Short title.

88. This Act may be called "The Court of Wards' Act, 1870."

SCHEDULE A.

(*See section* 38.)

FORM OF AGREEMENT TO BE EXECUTED BY A MANAGER.

I, A. B., having voluntarily taken on myself the management of the estate of C., disqualified proprietor of D., do hereby engage with the Collector of E., that I will manage the said estate diligently and faithfully for the said proprietor, and will use every means in my power to improve the same for his [her] benefit, and will act in every respect for his [her] interest in like manner as if the estate were my own. I also engage with the said Collector to observe in all respects the provisions regarding managers contained in Part VII of Act IV of 1870 of the Council of the Lieutenant-Governor of Bengal, and that I will derive no personal advantage from the management beyond the remuneration granted to me as manager. In the event of any breach of trust, neglect, or omission as manager being proved against me, I will pay to the said Collector Rs. as liquidated damages.

SCHEDULE B.

(*See section* 59.)

FORM OF AGREEMENT TO BE EXECUTED BY A GUARDIAN.

I, A. B., having voluntarily taken upon myself the guardianship of C., disqualified proprietor of D., do hereby agree with the Collector of E., that I will execute the trust committed to me diligently and faithfully, and according to the provisions regarding guardians contained in Part VII of Act IV of 1870 of the Council of the Lieutenant-Governor of Bengal, and that I will derive no advantage directly or indirectly from the ward's allowance beyond the remuneration granted me as guardian. In the event of any breach of trust, neglect, or omission being proved against me, I will pay to the said Collector Rs. as liquidated damages.

THE CALCUTTA PORT IMPROVEMENT ACT, 1870.

CONTENTS.

PREAMBLE.

PART I.

PRELIMINARY.

SECTIONS.

1.—Interpretation clause.

PART II.

APPOINTMENT OF THE COMMISSIONERS.

2.—Power to nominate Commissioners.
3.—Term of office under Act.
4.—Appointment of successors.
5.—Commissioners to be a corporation.

PART III.

DEBTS OF THE COMMISSIONERS.

6.—Property of Commissioners to be applied for purposes of this Act.
7.—Amount of debt.
8.—Repayment of principal sums due.
9.—Payment of interest.
10.—Power to repay before due date.
11.—Administration of trusts vested in Commissioners.
12.—Proceedings not to be invalidated by a vacancy or informality of appointment.

PART IV.

DISQUALIFICATION, REMOVAL, AND SALARIES OF COMMISSIONERS.

13.—Disqualification of Commissioners.
Exception.
14.—Power to remove Chairman, Vice-chairman, or Commissioner.
15.—Acting Commissioner may be appointed during absence of Commissioner.
16.—Salaries and fees of Chairman, Vice-chairman, and Commissioners.

PART V.

APPOINTMENT OF COMMITTEES.

17.—Commissioners may appoint committees.

PART VI.

OFFICERS OF THE COMMISSIONERS.

18.—Establishment of the Commissioners to be sanctioned by Lieutenant-Governor.

19.—Commissioners to make rules for appointment of establishment.
20.—Penalty on officers being interested in contracts.
Exception.
21.—Penalty for accepting illegal gratification.
22.—Leave of absence may be granted to Chairman or Vice-chairman.
Powers of Acting Chairman or Vice-chairman.
Salary of Chairman or Vice-chairman.
23.—Expenditure not to be increased by leave allowances.

PART VII.

Mode of Transacting Business.

24.—Meetings of Commissioners.
25.—Emergent meetings may be called.
26.—Who shall preside at meetings.
Adjournment of meetings.
27.—Minutes of proceedings of Commissioners to be kept and to be open for inspection.
28.—Poll how to be taken.
29.—Copy of minutes to be preserved in Bengal Office.
30.—Chairman may exercise certain powers of Commissioners.

PART VIII.

Powers of Commissioners as to Property, Contracts, and New Debts.

31.—Powers of the Commissioners as to property.
32.—Property vested by Bengal Act IV of 1869 in Secretary of State to vest in Commissioners.
33.—Commissioners may not farm, etc, tolls and rates without sanction of Lieutenant-Governor.
34.—Power to contract.
35.—Works to be sanctioned by Lieutenant-Governor.
36.—Commissioners may compound for breach of contract.
37.—Mode of executing contracts.
38.—Acquisition of land.
39.—General nature of works under this Act.
40.—Power to procure and charge for steam tugs.

PART IX.

Borrowing Powers.

41.—Money to be raised for works.
42.—Mode of raising such money.
43.—Money raised on debentures to be a first charge on property and rates.
44.—Application of funds raised.
45.—Application of surplus income.
46.—Payment of debentures by fresh mortgage of rates.
47.—Form of debenture.

PART X.

Estimate of Income, Expenditure, and Audit.

48.—Estimate of income and expenditure to be submitted annually to the Commissioners.
49.—Revision and passing of estimates.
50.—Estimate to be approved by Lieutenant-Governor.
51.—Power to make supplemental estimate.
52.—Expenditure to be made in pursuance of estimate.
53.—Accounts to be audited and examined.
Notice of audit and examination of accounts.

PART XI.

Landing-places, Ghats, Wharves, Quays, Jetties, Piers, etc.

54.—Public landing-places to be provided.
55.—Ghats and bathing-places to be provided.
56.—No wharf, quay, etc., to be made without consent of Lieutenant-Governor.
57.—Power to remove erections.
58.—Wharves, etc., to be appointed under Customs' Acts.
59.—Dues for wharves in possession of Customs' officers.
60.—Commissioners to provide servants, etc., for shipping and landing goods.
61.—Discharge of liability on Commissioners landing goods.
62.—Wharves, etc., declared ready for receiving goods.
Power to compel ships to load and unload at wharves, etc.
Penalty in case of refusal.
63.—When sufficient accommodation, all vessels to load and unload at Commissioners' wharves.
Penalty for contravention of order.
Power to Lieutenant-Governor to exempt vessels.
64.—Inland vessels to load and unload at places provided for them.
Procedure and penalty in case of contravention of order.

PART XII.

Levy and Recovery of Tolls.

65.—Scale of tolls to be framed.
Approval and publication of scale of tolls
66.—Power to impose rates on all goods to provide for payment of debt.
Approval and publication of rates.
67.—On failure of Commissioners, Lieutenant-Governor may impose such rates.
68.—Recovery of tolls in arrear.
Priority of lien for tolls.
69.—Goods may be removed to public warehouse.
Notice to consignee or owner of goods.
Consignee or owner to pay warehousing charges.

70.—Lien for freight preserved after landing of goods if notice of lien be given.
71.—Discharge of lien by payment or release.
72.—If tolls not paid, or the lien for freight not discharged, goods may be sold after the expiration of two months.
Publication of notice of sale.
Notice to owner of goods by letter.
73.—Application of proceeds of sale.
Of the surplus.
74.—Power to distrain vessels for non-payment of tolls.
Sale in case of non-payment.
75.—Port clearance not to be granted till tolls paid.

PART XIII.

Miscellaneous.

76.—Procedure in case of damage to the property of Commissioners.
Execution of distress to cover damage.
When case not cognizable by Magistrate.
77.—Sanitary provisions.
78.—Limits of the port of Calcutta how to be defined.
79.—Jurisdiction as to offences committed within Calcutta.
80.—Jurisdiction as to offences committed out of Calcutta.
81.—Regulations as to buoys and moorings.
82.—Commissioners empowered to make bye-laws.
83 —Approval of bye-laws.
84.—Lieutenant-Governor may revoke and annul bye-laws.
85.—Penalty for infringement of bye-laws.
86.—By-laws and tables of tolls to be exhibited.
87.—Notice of action.
88.—Government may order local survey.
89.—Government may restore or complete works.
90.—Mode of realising money due to the Secretary of State.
91.—Government may take possession and revoke powers of Commissioners.
Transfer of Commissioners' rights to Secretary of State.
92.—Powers of Justices over river bank withdrawn.
95 —Power to make Commissioners conservator of port.
96.—Port dues may be made payable to Commissioners.
67.—Commissioners to exercise powers of conservator.
98,—Commissioners to receive port dues.
99 —Powers to make improvements.
100.—Charge to be included in debt to Government.
101.—Short title.

Four Schedules.

ACT No. V of 1870.

(Received the assent of the Lieutenant-Governor on the 11th June 1870, and of the Governor-General on the 12th August 1870.)

An Act to appoint Commissioners for making Improvement in the Port of Calcutta.

Preamble.

WHEREAS it is expedient to make further provision for improvements in the port of Calcutta, and for that purpose to appoint Commissioners for making such improvements; It is enacted as follows :—

PART I.

PRELIMINARY.

Interpretation clause.

1. The following words and expressions shall have the meanings hereby assigned to them, unless where a contrary intention shall appear from the context.

"The Commissioners."

The words "The Commissioners" shall mean "the Commissioners for making improvements in the port of Calcutta" hereinafter incorporated.

"Commissioner."

The word "Commissioner" shall mean a member of the said corporation.

"Vessel."

The word "Vessel" shall include any ship, barge, boat, raft, or craft, or any other thing whatever designed or used for the transport upon water of passengers or goods.

"Land."

The word "Land" shall include the bed of the river below high-water mark.

"Pier."

The word "Pier" shall include a floating pier.

"Wharf."

The word "Wharf" shall include any bank of the river which may be improved to facilitate the loading or unloading of goods and any wall adjoining the river.

"Goods."

The word "Goods" shall include wares and merchandize of every description.

"Port."

The word "Port" shall mean the port of Calcutta.

* See Bengal Acts VII of 1871 and III of 1872.

PART II.

APPOINTMENT OF THE COMMISSIONERS.

Power to nominate Commissioners

2. It shall be lawful for the Lieutenant-Governor of Bengal, at any time after the commencement of this Act, by order published in the *Calcutta Gazette*, to nominate and appoint *persons in number not more than twelve nor less than nine, to be Commissioners for making improvements in the port of Calcutta, and by the same or any other order published in like manner to nominate one of such persons to be chairman and another of such persons to be vice-chairman.

Term of office under Act.

3. Every person who shall be appointed to be a chairman, vice-chairman, or Commissioner, shall, subject to the provisions hereinafter contained, continue to hold the office to which he shall be appointed for the term of two years, but may, at the expiration of such term, be re-appointed.

Appointment of successors.

4. The Lieutenant-Governor of Bengal, within one month after any person appointed to be a chairman, vice-chairman or Commissioner under this Act shall have died or ceased to be such chairman, vice-chairman, or Commissioner, shall, by an order published in the *Calcutta Gazette*, appoint some other person to be a chairman, vice-chairman, or Commissioner, as the case may be, in the place or stead of the person so dying or ceasing to be a chairman, vice-chairman, or Commissioner.

Commissioners to be a corporation

5. The Commissioners for making improvements in the port of Calcutta to be appointed as hereinbefore provided, and their successors shall be and they are hereby created a corporation under the name and style of "the Commissioners for making improvements in the port of Calcutta," and they shall have a common seal.

PART III.

DEBTS OF THE COMMISSIONERS.

Property of Commissioners to be applied for purposes of this Act.

6. All property vested in or acquired by the Commissioners under or by virtue of this Act, and all moneys raised by or payable to them under or by virtue of this Act, shall be held in trust and be applied, in the first place, for the payment of all sums which from time to time shall be due and payable to the Secretary of State for India in Council under the provisions of section seven of this Act, or for moneys advanced or applied or to be advanced or applied by or on behalf of the said Secretary of State for India in Council for the improvement of the port of Calcutta, or otherwise under the provisions of Act

* Bengal Act VII of 1871, section 1

X of 1866, passed by the Lieutenant-Governor of Bengal in Council, or of this Act, and subject thereto upon trust for the purposes of this Act, and not otherwise.

Amount of debt.

7. There shall be deemed and taken to be due from the Commissioners to the Secretary of State for India in Council, immediately upon the commencement of this Act, the several sums set forth in Schedule A to this Act annexed for the lands, works, and matters therein respectively set forth, making in the whole the sum of ten lakhs of rupees.

Re-payment of principal sums due.

8. The said amount shall be re-paid by the said Commissioners to the said Secretary of State by triennial instalments of such amount and at such times as in Schedule B to this Act are appointed for the payment thereof, and every other sum which may become due from the Commissioners to the said Secretary of State shall be in like manner by them re-paid to him in ten equal triennial instalments, each of one-tenth of the amount of such sum, the first of such instalments to be paid on the 1st day of April which shall be next after the completion of twenty-four calendar months from the day on which such sum shall become due, and the other instalments to be paid respectively on the 1st day of April in every third year, computing from the day fixed from the payment of the first of such instalments.

Payment of interest.

9. Interest at the rate of 4½ per cent. per annum shall be paid by the Commissioners to the said Secretary of State upon all sums which for the time being may be due to him from them upon the 31st day of March and the 30th day of September in each year, the first of such payments of interest upon the said sum of ten lakhs to be calculated from the 1st day of August 1870 and to be made on the 31st day of March in the year 1871, and the first of such payments of interest in respect of any other sum which may become due or payable from the said Commissioners to the said Secretary of State to be calculated from the day on which such sum shall become due and to be made on the 31st day of March or the 30th day of September, whichever may first happen next after such sum shall have become due.

Power to re-pay before due date.

10. Notwithstanding the provisions of section eight, it shall be lawful for the Commissioners, if they think fit, out of any moneys which may come to their hands under the provisions of this Act, to re-pay to the said Secretary of State in Council any sum which for the time being may remain due to him under the provisions of this Act for principal, although the time fixed by the said Schedule B for the re-payment of the same shall not have arrived. Provided always that no

such re-payment shall be made of any sum less than ten thousand rupees, nor of any sum not being a multiple of ten thousand rupees, and from and after any such re-payment no further sum as interest shall be payable to the said Secretary of State in Council in respect of the sum which shall have been so re-paid.

Administration of trusts vested in Commissioners.

11. The administration of the powers and trusts created and declared by this Act shall, subject to the powers and authorities hereinafter conferred on the Lieutenant-Governor of Bengal, be vested in the Commissioners.

Proceedings not to be invalidated by a vacancy or informality of appointment.

12. No act or proceeding of the Commissioners shall be invalidated or illegal in consequence only of there being a vacancy in the number of the Commissioners at the time of doing or executing such act or proceeding. And all proceedings of the Commissioners, or of any person acting as a Commissioner in the *bonâ fide* belief that he was duly appointed, shall, notwithstanding it be afterwards discovered that there was some defect in the appointment of the Commissioner or person acting as aforesaid, be as valid as if every such person had been duly appointed to be a Commissioner.

PART IV.

Disqualification, Removal, and Salaries of Commissioners.

Disqualification of Commissioners.

13. Every person who, at any time after his appointment as a Commissioner, shall be absent from six consecutive meetings without having the permission in that behalf of the Commissioners, or who having such permission shall be absent from the meetings for a period exceeding a year, and every person who at any time after his appointment as a Commissioner shall accept or agree to accept any office or place of profit under this Act, except the office of chairman or vice-chairman of the Commissioners, or who shall, save with the sanction in writing of the Lieutenant-Governor, participate or agree to participate in the profits of any work done by order of the Commissioners, or be concerned or participate in the profits of any contract entered into with the Commissioners, shall thenceforth cease to be a Commissioner, and his office shall thereupon become vacant.

Exception.

Provided always that no Commissioner shall vacate his office by reason only of his being a shareholder in any company registered under the provisions of any Act for the registration of joint-stock companies, passed by any Indian legislature or by the Parliament of the United Kingdom, or incorporated by Act of Parliament, Royal Charter, or otherwise, with which the Commissioners may enter into any contract, or by reason of his being interested in any loan of money to the Commissioners.

14. It shall be lawful for the Lieutenant-Governor of Bengal, by an order under his hand, to direct that any chairman or vice-chairman or Commissioner named in such order shall cease to be chairman or vice-chairman or Commissioner, and thereupon the person so named shall cease to be chairman, vice-chairman, or Commissioner as in such order may be directed.

Power to remove chairman, vice-chairman or Commissioner.

15. When any Commissioner shall depart from Calcutta with an intention of being absent for a longer period than three months, or where any such member shall have been so absent for a period exceeding three months, it shall be lawful for the Lieutenant-Governor of Bengal to appoint some other person to act in the place and room of such absent Commissioner until he shall return to Calcutta, or until he shall cease to be a member.

Acting Commissioner may be appointed during absence of Commissioner.

16. It shall be lawful for the Lieutenant-Governor of Bengal by order in writing from time to time to determine whether any and what salary and allowances shall be paid to the chairman or vice-chairman of the Commissioners, and whether any and what fees shall be paid to the chairman or vice-chairman and Commissioners for attendance at meetings for transaction of the business of the Trust: and in the order directing the salaries and fees to be paid as aforesaid, the Lieutenant-Governor of Bengal may declare any conditions and restrictions upon and under which such salary, allowances, and fees shall be payable.

Salaries and fees of chairman, vice-chairman, and Commissioners.

PART V.

Appointment of Committees.

17. The Commissioners may from time to time, by resolution passed at a meeting, appoint committees of their number for carrying into effect any part of the provisions of this Act, with such powers and under such instructions, directions, or limitations as by such resolution shall be defined, and on any such committee three members shall be a quorum, and the Commissioners shall have power to alter or discontinue any such committee.

Commissioners may appoint committees.

PART VI.

Officers of the Commissioners.

18. The Commissioners shall from time to time prepare and submit to the Lieutenant-Governor a schedule setting forth the number of officers and servants necessary and proper for carrying out the purposes of this Act, and of the salaries, fees, and allowances which it is proposed to assign

Establishment of Commissioners to be sanctioned by the Lieutenant-Governor.

to such officers and servants, and the Lieutenant-Governor may sanction such schedule, or modify and sanction the same; and every such schedule so sanctioned shall remain in force until some other such schedule shall have been so prepared and sanctioned, and it shall not be lawful for the Commissioners to employ any officer or servant for any office or employment not sanctioned in and by the schedule for the time being in force, nor to pay or allow to any officers or servants any salaries, allowances, or fees greater than or beyond those sanctioned in such schedule. Provided always that artisans, porters and laborers, and the sirdars of porters and laborers shall not be deemed to be officers or servants within the meaning of this section.

Commissioners to make rules for appointment of establishment.

19. It shall be lawful for the Commissioners at a meeting from time to time to make rules for appointing the officers and servants to fill the offices and posts mentioned in the schedule for the time being in force under the provisions of the next preceding section, and subject to the provisions of such schedule for their necessary remuneration, and for the suspension or removal of any of such persons and the appointment of others in their place, and for the payment of such allowances to the said persons respectively, or in case of absence on leave, such portion of their salaries or allowances as to them shall seem fit, and from time to time in like manner to alter, vary, or revoke any such rules, and to substitute others in the place or stead thereof.

Penalty on officers being interested in contracts.

20. No officer or servant of the Commissioners shall be in anywise concerned or interested in any contract or work made with, or executed for, the Commissioners, and if any such officer or servant be so concerned or interested, he shall be incapable of afterwards holding or continuing in any office or employment under the Commissioners, and shall forfeit and pay the sum of five hundred rupees, which may be recovered by suit by any person with full costs of suit.

Exception.

Provided that nothing in this section shall apply to any person by reason only of his being a shareholder in any company incorporated by Act of Parliament or by Royal Charter or otherwise, or registered under any Act for the registration of joint-stock companies passed by the Parliament of the United Kingdom or by any Indian Legislature, which may enter into any contract with the Commissioners or execute any work for the Commissioners.

Penalty for accepting illegal gratification.

21. If any person employed under this Act, not being a public servant within the meaning of section 21 of the Indian Penal Code, shall accept or obtain, or agree to accept or attempt to obtain from any person, for himself or for any other person, any

gratification whatever other than legal remuneration as a reward for doing or forbearing to do any official act, or for showing or forbearing to show in the exercise of his official functions, favor or disfavor to any person, or for rendering or attempting to render any service or disservice to any person with the Commissioners, or with any public servant or with the Government as such, he shall be liable to the same punishment as is in that behalf provided for by the Indian Penal Code in the case of public servants.

Leave of absence may be granted to chairman or vice-chairman.

22. It shall be lawful for the Commissioners at a meeting to grant, with the sanction of the Lieutenant-Governor of Bengal, such leave of absence to any salaried chairman or salaried vice-chairman of the Commissioners, and to make such arrangements for carrying on the duties of his office during his absence on leave, as shall to them seem proper.

Powers of acting chairman or vice-chairman.

Any person appointed under this section to act for any such chairman or vice-chairman shall, while so acting, have all the powers and be liable to all the restrictions and limitations which the chairman or vice-chairman would under this Act have and be liable to.

Salary of chairman or vice-chairman on leave.

In any case in which leave of absence to any chairman or vice-chairman shall be granted as aforesaid, the Commissioners at a meeting may, with the sanction of the Lieutenant-Governor of Bengal, order to be allowed to such chairman or vice-chairman such portion of his salary during absence on leave as shall to them seem proper, and such allowance shall be paid accordingly unless and until the Commissioners at a meeting shall otherwise direct.

Expenditure not to be increased by leave allowances.

23. Save with the sanction in writing of the Lieutenant-Governor, no greater expenditure shall be in any case incurred in the whole by reason of any allowance paid upon the absence on leave of the chairman, vice-chairman, or any other officer or servant of the Commissioners, than would have been incurred had no leave been granted.

PART VII.

Mode of Transacting Business.

Meetings of Commissioners.

24. The Commissioners shall meet for the transaction of business once at least in every fortnight. Such meeting shall be held upon such day and at such hour as the Commissioners shall from time to time determine. At every meeting of the Commissioners five members shall constitute a quorum.

Emergent meetings may be called.

25. The chairman or, in his absence, the vice chairman of the Commissioners, may, whenever he thinks fit, and shall, upon request made in writing by three members of the Commissioners, or two members of any committee, call an emergent meeting of the said Commissioners or committee as the case may be.

Who shall preside at meetings.

26. The salaried chairman or salaried vice-chairman, as the case may be, of the Commissioners shall attend all meetings of the Commissioners held under this Act, unless prevented by sickness or other reasonable cause, and the chairman, or in his absence, the vice-chairman, shall preside at every such meeting. In the absence of both the chairman and the vice-chairman, the Commissioners present at any meeting may choose one of their number to preside.

Adjournment of meetings.

The president of any meeting at which a quorum of the Commissioners shall be present, may, with the consent of the meeting, adjourn the meeting from time to time and from place to place.

Minutes of proceedings of Commissioners to be kept and to be open for inspection.

27. Minutes of the proceedings of all meetings of the Commissioners under this Act shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the president after each meeting; and the said minutes shall at all reasonable times be open at the office of the Commissioners to the inspection of any Commissioner without charge.

Poll how to be taken.

28. If a poll be taken at any meeting of the Commissioners, the votes of the Commissioners present shall be taken by the president, and the resolution supported by the greater number of votes given at such poll shall be deemed to be the resolution of the Commissioners at such meeting. The president shall have a second or casting vote in all cases of equality of votes.

Copy of minutes to be preserved in Bengal office.

29. A copy of the minutes of every meeting of the Commissioners shall, as soon as conveniently may be, be transmitted to such Secretary of the Lieutenant-Governor of Bengal as he shall from time to time appoint for that purpose, and shall be preserved in the records of the office of such secretary.

Chairman may exercise certain powers of Commissioners.

30. All the powers, authorities and duties in and by this Act conferred or imposed upon the Commissioners may be exercised and performed by the salaried chairman or salaried vice-chairman, save the powers, authorities and duties by this Act or by any rule, bye-law or order made under the provisions of this Act conferred or imposed on or restricted to the Commissioners at a meeting.

PART VIII.

Powers of Commissioners as to Property, Contracts, and New Works.

Powers of the Commissioners as to property.

31. The Commissioners shall, for the purposes of this Act, have power to acquire and hold immoveable or moveable property, whether within or without the limits of the port, by conveyance, gift, lease, assignment or sale from the Governor-General in Council, or the Lieutenant-Governor of Bengal, on behalf of the Secretary of State for India in Council, or any corporate body, or any registered joint-stock company or private person, and they shall also have power at a meeting to lease or sell any moveable or immoveable property which may have become vested in or been acquired by them, but which is no longer required for the purposes of this Act.

Provided always that no such sale or other alienation or lease of any immoveable property for any estate or interest exceeding the term of ten years shall be valid unless the sanction of the Lieutenant-Governor of Bengal to such sale, alienation or lease shall be first had.

Property vested by Bengal Act IV of 1869 in Secretary of State to vest in Commissioners.

32. All property which under and by virtue of Act IV of 1869, passed by the Lieutenant-Governor of Bengal in Council, became vested in the Secretary of State for India in Council shall, from and after the time when this Act shall come into operation, be, and the same is hereby, vested in the Commissioners subject as in the said Act IV of 1869 is mentioned.

Commissioners may not farm, &c., tolls and rates without sanction of Lieutenant-Governor.

33. It shall not be lawful for the Commissioners to demise, farm, sell or alienate any power which by or under this Act may become vested in them of levying tolls, fees, wharfage or rent, rates or charges, unless the assent in writing of the said Lieutenant-Governor of Bengal to such demise, farm, sale or alienation shall have been first had and obtained.

Power to contract.

34. The Commissioners at a meeting may enter into contracts with any body corporate, registered joint-stock company, or private person, for the execution or supply by them or him of any works, labor, materials, machines, stores, or for other matters necessary for carrying into effect the trusts and purposes of this Act. Provided always that no contract under or by virtue of which a sum greater than fifty thousand rupees may in any event be payable by the Commissioners, shall be valid without the assent in writing of the Lieutenant-Governor of Bengal.

Works to be sanctioned by Lieutenant Governor.

35. No new work, the estimated cost of which shall exceed two thousand rupees, shall be commenced by the Commissioners, nor shall any contract be entered into by the Commis-

sioners in respect of any such new work until a plan and estimate of such work shall have been determined on and approved by the Commissioners at a meeting, and in case the estimated cost of any such new work shall exceed ten thousand rupees, it shall not be commenced until such plan and estimate shall have been submitted to the Lieutenant-Governor of Bengal and sanctioned by him in an order published in the *Calcutta Gazette*, and in case the estimated cost of any such new work shall exceed two lakhs of rupees, the said Lieutenant-Governor shall not sanction the same until such plan and estimate shall have been submitted to the Governor-General of India in Council and approved by him.

Commissioners may compound for breach of contract, &c.

36. It shall be lawful for the Commissioners at a meeting to compound or compromise for or in respect of any claim or demand arising out of any contract entered into by them under the authority of this Act, or in respect of any action or suit instituted by or against them for such sum of money or other compensation as they shall deem sufficient.

Mode of executing Contracts.

37. The salaried chairman or salaried vice-chairman may, for and on behalf of the Commissioners, enter into any contract or agreement whereof the value or amount shall not exceed one thousand rupees, in such manner and form as according to the law for the time being administered by the High Court of Judicature at Fort William in Bengal would bind him if such contract or agreement were on his own behalf; but every other contract and agreement by or on behalf of the Commissioners shall be in writing and signed by the salaried chairman or salaried vice-chairman and by two other Commissioners, and shall be sealed with the common seal of the Commissioners, and no contract nor agreement not executed as in this section is provided shall be binding on the Commissioners.

Acquisition of land.

38. When the Commissioners are unable to acquire by agreement any land or building required for the purposes of this Act, the Lieutenant-Governor of Bengal in his discretion may declare that the land or building is required for a public purpose, and may order proceedings to be taken for obtaining possession of the same for Government, and for determining the compensation to be paid to the parties interested, according to any law in force for the acquisition of land for public purposes. Such land or building when acquired shall be conveyed to the Commissioners on their paying the compensation awarded and all costs connected therewith.

General nature of works under this Act.

39. The works to be constructed and carried out by the Commissioners under the provisions of this Act may include :—

(1.)—Wharves, quays, stages, jetties, and piers within the port with all necessary and convenient arches, drains, landing places, stairs, fences and approaches.

(2.)—Tramways, warehouses, sheds, engines and other appliances for conveying, receiving and storing goods and merchandize landed or to be shipped.

(3.) Laying down moorings for carrying out the purposes of this Act; and the erection of cranes, scales, and all other necessary means and appliances for loading and unloading vessels.

(4.) Reclaiming, enclosing and raising any part of the river bank or of the river bed within the port which may be necessary for the execution of the works authorized by this Act, or otherwise for the purposes of this Act.

(5.) The construction and application of dredges, and other machines for cleaning, deepening and improving the river bed within the port.

(6.) The construction of such works without the limits of the port as shall be necessary for the protection of works executed under this Act: and all such other works and appliances as may in the opinion of the Commissioners at a meeting be necessary for carrying out the purposes of this Act.

Power to procure and charge for steam tugs.

40. It shall be lawful for the Commissioners at a meeting to provide or procure such steam vessels as they may think fit, and to employ the same or any of them in towing vessels into, out of, in or upon the river Hooghly or in the port, and to make such charges for towage by the said steam vessels as they may deem expedient.

PART IX.

Borrowing Powers.

Money to be raised for works.

41. In case the Lieutenant-Governor of Bengal shall by an order published in the *Calcutta Gazette* so direct, it shall be lawful for the Commissioners from time to time to raise money for the estimated cost of any works or arrangements sanctioned by him to such extent, and as he may from time to time direct.

Mode of raising such money.

42. Such money shall be raised in such way as the Lieutenant-Governor of Bengal shall by any rules or orders to be by him from time to time published in the *Calcutta*

Gazette, with the sanction of the Governor-General of India in Council, direct and appoint.

Money raised on debentures to be a first charge on property and rates.

43. In case such money shall be advanced on debentures bearing interest, such interest shall, subject to the provisions of section six, be a first charge on all property acquired by the Commissioners under or by virtue of this Act, and on all tolls, duties, rates and charges leviable under this Act.

Application of funds raised.

44. All the moneys so to be raised shall be applied by the Commissioners in the acquisition of immoveable and moveable property, the payment of salaries, fees, and expenses, and of interest, and of the cost of works and erections necessary or expedient for carrying out the purposes of this Act.

Application of surplus income.

45. Whenever the half-yearly accounts hereinafter directed to be laid before the Lieutenant-Governor of Bengal shall show a surplus for the half-year of income over expenditure, such surplus, or so much thereof as the said Lieutenant-Governor shall think fit, shall be applied by the Commissioners in paying off any of the debentures issued under this Act, the principal sum due in respect whereof may be then payable, or any part of the debt due by them to the said Secretary of State, or such surplus may, if the Lieutenant-Governor shall so direct, in whole or part be invested by the Commissioners in the purchase in their corporate name of Government securities, or of their own debentures, and the interest thereof may be accumulated and invested in like manner, with power to the Commissioners at any time to dispose of any such securities or debentures and to apply the proceeds and interest thereof, with the sanction of the said Lieutenant-Governor, in or towards any of the purposes of this Act.

Payment of debentures by fresh mortgage of rates.

46. The Commissioners may at any time, according to the provisions aforesaid, and with the approval of the Lieutenant-Governor of Bengal, raise in any of the ways aforesaid any money that may be required to pay any amount for the time being due by the Commissioners under the provisions of this Act.

Form of debenture.

47. All debentures which may be issued under the authority of this Act, shall be in the form contained in the schedule C to this Act, and shall be transferable by endorsement, and the right to sue in respect of the moneys secured by any of such debentures shall be vested in the holders thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

PART X.

Estimate of Income, Expenditure, and Audit.

Estimate of income and expenditure to be submitted annually to the Commissioners.

48. The salaried chairman or salaried vice-chairman shall, at a special general meeting to be held within two months after the commencement of this Act, lay before the Commissioners a separate estimate of the expenditure and income of the Commissioners for the period which shall be to come from the commencement of this Act up to the 1st day of April then next ensuing; and shall also at a special general meeting, to be held in the month of February in each year, lay before the Commissioners a like estimate of such income and expenditure for the year commencing on the 1st day of April then next ensuing. Every such estimate shall be in such form as the Lieutenant-Governor of Bengal shall, by an order published in the *Calcutta Gazette*, direct. Provided always that such estimate shall be completed and printed, and a copy thereof sent by post or otherwise to each Commissioner, at least ten clear days prior to the meeting before which the estimate is to be laid.

Revision and passing of estimates.

49. It shall be in the discretion of the Commissioners at such meeting by resolution to pass or to reject, or to modify or alter such estimate and pass such estimate so modified or altered.

Estimate to be approved by Lieutenant-Governor.

50. Every such estimate when passed by the Commissioners in pursuance of the provisions of this Act shall be submitted to the Lieutenant-Governor of Bengal, and it shall be lawful for such Lieutenant-Governor either to approve of such estimate or to return the same with his remarks thereupon, and the Commissioners shall forthwith at a meeting proceed to re-consider such estimate in reference to such remarks and to modify or alter the same, and to re-submit such estimates to the said Lieutenant-Governor, and it shall not be lawful for the Commissioners to expend any greater sum under such estimate than shall be approved by the said Lieutenant-Governor.

Power to make supplemental estimate.

51. It shall be lawful for the Commissioners, in the course of any year for which an estimate shall have been approved by the Lieutenant-Governor, to cause a supplemental estimate for the residue of such year to be prepared and laid before the Commissioners at a meeting, and thereupon such proceedings shall be had as in and by sections forty-eight, forty-nine and fifty are directed to be had with respect to the estimate therein mentioned.

Expenditure to be made in pursuance of estimate.

52. It shall not be lawful for the Commissioners to expend any sum for any purpose not approved in some estimate for the time being in force, save in cases of pressing emergency; nor shall it be lawful for them to expend for

any purpose not so approved any sum exceeding two thousand rupees without the assent in writing of the Lieutenant-Governor of Bengal.

Accounts to be audited and examined.

53. The accounts of the receipts and expenditure under this Act shall twice in every year be laid before the Lieutenant-Governor of Bengal, and shall be audited and examined. The audit shall be made by such public department or by such auditors as shall from time to time be appointed by the Lieutenant-Governor of Bengal. For the purposes of any audit and examination of accounts under this Act the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, vouchers, and all other documents and papers which they may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents or papers, to appear before them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same: and if any such person neglect or refuse so to do or to produce any such books, deeds, contracts, accounts, vouchers, documents or papers, or to make or sign such declaration, he shall be liable for every neglect or refusal to a penalty not exceeding one hundred rupees.

All auditors not being a public department acting under this Act shall in respect of each audit be paid by the Commissioners such remuneration as the Lieutenant-Governor of Bengal shall from time to time determine.

Notice of audit and examination of accounts.

Provided always that before each audit and examination of accounts under this Act, the salaried chairman or salaried vice-chairman shall give ten days' notice of the time and place at which the same will be made by advertisement in the *Calcutta Gazette* and in at least two of the daily English newspapers published in Calcutta; and a copy of the accounts to be audited and examined shall be deposited in the office of the Commissioners, and thereat be open during office hours to the inspection of any person on payment of a fee of one rupee on each occasion of inspection, for seven days before the audit and examination, and all such persons shall be at liberty to take copies of, or extracts from, the same without further payment, and within fourteen days after the audit and examination shall have been completed, the auditors shall report upon the accounts audited and examined, and shall deliver such report to the Commissioners at a meeting, who shall cause the same to be deposited in the office of the Commissioners and to be published in the *Calcutta Gazette* and in some one or more of the said newspapers.

PART XI.

Landing Places, Ghats, Wharves, Quays, Jetties, Piers, &c.

Public landing places to be provided.

54. The Commissioners shall make a sufficient number of public landing places from and upon which the public shall be permitted to embark and to land free of charge.

55. It shall be lawful for the Commissioners, if they shall consider it necessary for the purposes of this Act, to occupy or remove or modify any bathing ghat or landing place within the port, and to prohibit the public from afterwards resorting to or using the same. Provided, nevertheless, that the Commissioners shall reserve, set out, make, and provide for the use of the public such sufficient bathing ghats within the port, not exceeding in number those that may be so modified or removed, as the Lieutenant-Governor of Bengal may direct.

Ghats and bathing places to be provided.

56. It shall not be lawful for any person or persons, save the Commissioners, to make, erect, or fix below high water-mark within the port any wharf, quay, stage, jetty, pier, erection or mooring without the consent in writing of the Lieutenant-Governor of Bengal first had and obtained. Any matter or thing which may be so erected or fixed may be removed by the Commissioners: and the person who shall have so made, erected, or fixed any such matter or thing, shall be liable on conviction to a fine which may extend to one thousand rupees, and to a further fine which may extend to one hundred rupees for every day during which such matter or thing shall have been permitted to remain so made, erected or fixed after notice to remove the same shall have been given to him, and shall also be liable to pay all expenses which may have been incurred by the Commissioners in removing such matter or thing. Provided that this section shall not apply to moorings laid down or to be laid down by the conservator of the port.

No wharf, quay, &c., to be made without consent of Lieutenant-Governor.

57. In case any wharf, dock, quay, jetty, pier, erection or mooring shall, without the consent in writing of the Lieutenant-Governor of Bengal, be fixed, excavated, erected, or built below high water-mark without the limits for the time being of the port, and thereafter the limits of the port shall be extended so as to include the place in which such wharf, dock, quay, jetty, pier, erection or mooring shall have been fixed, excavated, erected or built, it shall be lawful for the Commissioners to remove, fill up, or destroy such wharf, dock, quay, jetty, pier, erection or mooring without making any compensation therefor.

Power to remove erections.

58. When the Lieutenant-Governor of Bengal shall, under the provisions of any Act for the regulation of duties of customs, appoint any wharf, quay, stage, jetty or pier, erected or acquired under this Act for the use of sea-going vessels, to be a wharf for the landing of goods within the meaning of such enactment, the Commissioners shall set apart, maintain, and secure on such wharf, quay, stage, jetty, or pier, such portion thereof, or place there-

Wharves, &c. to be appointed under Customs' Acts.

in, or adjoining thereto, for the use of the officers of customs, as the Lieutenant-Governor of Bengal shall in that behalf approve or appoint.

Dues for wharves in possession of customs' officers.

59. Notwithstanding that any wharf, quay, stage, jetty, or pier, or portion thereof shall under the provisions of the last section have been set apart for the use of the officers of customs, all dues, rates, tolls, and rents payable in respect thereof, or for the use thereof, or for the storage of goods thereupon, shall be paid and payable to the Commissioners or to such person or persons as they may appoint to receive the same.

Commissioners to provide servants, &c., for shipping and landing goods.

60. The Commissioners shall, when thereunto required by the Lieutenant-Governor of Bengal, provide and keep and maintain sufficient servants and apparatus for the expeditious and convenient landing and shipment of goods from and upon all sea-going vessels coming to the wharves, quays, stages, jetties, or piers, erected by them, and shall by their servants land and ship all goods from and upon any such vessel so coming to such wharf, quay, stage, jetty, or pier, unless where there is a legal excuse for refusing to land or ship such goods, or such vessel is, by reason of the breach or non-observance of any law or regulation, not entitled to have her cargo shipped or discharged.

Provided that the Commissioners shall not be bound to land, ship or move any single article or package exceeding thirty tons of twenty hundredweight in weight, except at such special charge as may be agreed on in respect of such article or package.

Discharge of liability on Commissioners landing goods.

61. Whenever any goods shall be landed by the Commissioners from any vessel under the powers by this Act conferred on them, they shall, if thereunto required, give to the person in charge of such vessel a receipt in the form or to the effect in Schedule D set forth, and may in any such receipt include all goods landed from such vessel during one day, and no person to whom such receipt shall have been so given, nor the master nor owner of the vessel from which the goods in respect of which such receipt shall be given may have been landed, shall be liable for any loss or damage to such goods which may occur after they shall have been so landed.

Wharves, &c., declared ready for receiving goods.

62. When any wharf, quay, stage, jetty, or pier erected under the provisions of this Act shall have been made and completed, together with sufficient warehouses, sheds, cranes and moorings for landing and shipping, *or for landing or for shipping goods from and upon sea-going vessels, it shall be lawful for the Commissioners with the

* Bengal Act VII of 1871, section 2.

sanction of the Lieutenant-Governor of Bengal, by a notification published in three consecutive numbers of the *Calcutta Gazette*, to declare that such wharf, quay, stage, jetty or pier is ready for receiving, landing and shipping *or for landing or for shipping goods, from and upon sea-going vessels.

Power to compel ships to load and unload at wharves, &c.

And from and after such notification and publication it shall be lawful for the Commissioners to require the conservator of the port, or other person exercising the rights, powers and authorities of the conservator of the port, from time to time, when there shall be room at such wharf, quay, stage, jetty, or pier, to order to come alongside of such wharf, quay, stage, jetty or pier, for the purpose of being laden or unladen by the Commissioners, any sea-going vessel which shall not have commenced to discharge a cargo, or which being about to take in cargo shall not have commenced to take in cargo.

Penalty in case of refusal.

And if after such order of the conservator of the port of other person aforesaid the owner or master of any such vessel shall either take in or discharge cargo, save and except at such wharf, quay, stage, jetty or pier to which such vessel shall have been so ordered, the owner thereof or, in case he shall not be in Calcutta, the master thereof, shall be liable to a penalty of one hundred rupees for each day that he shall land or ship or attempt to land or ship any goods in contravention of such order.

When sufficient accommodation, all vessels to load and unload at Commissioners' wharves.

63. When a sufficient number of wharves, quays, stages, jetties and piers shall have been erected under this Act for landing and shipping the cargoes of all sea-going vessels resorting to the port, it shall be lawful for the Commissioners, with the sanction of the Lieutenant-Governor of Bengal, by an order published in three consecutive numbers of the *Calcutta Gazette* to direct that no goods shall be landed or shipped from or upon any sea-going vessel within the port, save at such wharves, quays, stages, jetties and piers, and by any order in like manner published to alter, vary or revoke any such order.

Penalty for contravention of order.

And whoever shall, after such order has been so published as aforesaid, land or ship, or attempt to land or ship, any goods in contravention of such order, shall be liable to a fine not exceeding two hundred rupees for every day that he shall so land or ship any goods in contravention of the said order.

Power to Lieutenant-Governor to exempt vessels.

Provided always, and it is hereby declared, that notwithstanding any thing in this or in section sixty-two contained, it shall be lawful for the Lieutenant-Governor of Bengal, by notice in the *Calcutta Gazette*, from time to time, if he

* Bengal Act VII of 1871, section 2.

shall so think fit, to declare that certain specified vessels or classes of vessels shall be permitted to discharge or ship cargo, so that certain specified goods or cargoes, or classes of goods or cargoes, shall be permitted to be landed or shipped elsewhere, and at such part of the port of Calcutta, and for such time and on such conditions as he may think fit.

Inland vessels to load and unload at places provided for them.

64. When any wharf, quay, stage, jetty or pier for receiving, landing or shipping goods from vessels (not being sea-going vessels) shall have been made and completed with all proper appliances in that behalf, it shall be lawful for the Commissioners with the sanction of the Lieutenant-Governor, by an order published in three consecutive numbers of the *Calcutta Gazette*, to declare that such wharf, quay, stage, jetty, or pier is ready for receiving, landing and shipping goods from vessels not being sea-going vessels, and in the same way to order that within certain prescribed limits to be therein specified in that behalf, it shall not be lawful to land or ship any goods out of, or into, any vessel (not being a sea-going vessel) of any class specified in such order, except at such wharf, quay, stage, jetty or pier; and in the same way to alter, vary, or revoke any such order. After such publication as aforesaid, it shall not be lawful for any vessel of such class to land or ship any good at any place within the limits so specified, except at such wharf, quay, stage, jetty, or pier, nor for any such vessel while within such limits, to anchor, fasten, or lay within fifty yards of the ordinary low water-mark without the consent of the Commissioners.

Procedure in case of contravention of order.

And if after such publication any such vessel shall while within such limits so anchor, fasten, or lay, it shall be lawful for the Commissioners to cause the same to be removed out of the said limits, and it shall be the duty of the conservator of the port to aid and assist the Commissioners in so removing such vessel.

Penalty.

Any person guilty of any breach of the provisions of this section shall be liable to a fine not exceeding fifty rupees for every such breach.

PART XII.

Levy and Recovery of Tolls.

Scale of tolls to be framed.

65. The Commissioners shall frame a scale of tolls, dues, rates and charges for the landing and shipment of goods from and into sea-going vessels at the wharves, quays, stages, jetties and piers, erected under this Act, and for the use thereof by such vessels, and for the storing and keeping of any goods stored in any premises belonging to them, and for the removal of goods and for the use of any moorings laid down or acquired under the provisions of this Act or of Act

X of 1866, or of Act IV of 1869, respectively passed by the Lieutenant-Governor of Bengal in Council;

and also a scale of tolls, dues, and rates for the landing and shipment of goods into and out of any vessel (not being a sea-going vessel),

and also a scale of tolls for the use of the said wharves, quays, moorings, stages, jetties, and piers by any such vessel, in case the Commissioners shall permit the goods to be landed or shipped by others than their own officers and servants,

and also a scale of charges for any services to be performed by the Commissioners or their servants in respect of any vessel or goods or for the use of any works or appliances to be provided by the Commissioners.

Approval and publication of scale of tolls.

Such scale of tolls, dues, rates and charges shall be adopted by a resolution of the Commissioners at a meeting, and shall be submitted to the Lieutenant-Governor of Bengal, and after receiving his approval shall be published by the Commissioners in the *Calcutta Gazette*, and may from time to time, subject to the like approval and publication, be in like manner altered.

Power to impose rates on all goods to provide for payment of debt.

66. If on the preparation of the estimate of any year, it shall appear that the estimated income of the Commissioners for such year, after deducting therefrom the estimated expenditure of such year to be incurred under this Act, will be insufficient for the payment of the sums which under the provisions of this Act will be payable during such year to the Secretary of State for India in Council,

or if at any time in the course of a year it may appear that the actual income of such portion of the year as may have then elapsed and the estimated income of the residue of such year, after deducting therefrom the actual expenditure of such past portion and the estimated expenditure of such residue, will be so insufficient,

then and in every such case, the Commissioners shall, upon the requisition in writing of the Lieutenant-Governor of Bengal, from time to time, and to the extent requisite in every case, charge upon all goods landed from or shipped into any vessel lying or being within the limits of the port, whether such goods shall or shall not be so landed or shipped at any wharf, quay, stage, jetty, or pier belonging to the Commissioners, such tolls, dues, rates, and charges, in addition to or other than those prescribed by any scale of tolls, dues, rates, and charges for the time being in force under the provisions of section sixty-five, as will, when added to the said income of the year, suffice, as nearly as may be, for the payment of the said sums in full.

Approval and publication of rates.

Such tolls, dues, rates, and charges shall be fixed and adopted by a resolution of the Commissioners at a meeting, and shall be submitted to the Lieutenant-Governor of Bengal, and if the same shall be approved by him, shall be published in the *Calcutta Gazette* and shall forthwith come into operation and remain in operation until altered or revoked by the Commissioners at a meeting with the sanction of the Lieutenant-Governor of Bengal, and shall be leviable and recoverable in like manner as any other tolls, dues, rates, and charges payable under this Act.

On failure of Commissioners Lieutenant-Governor may impose such rates.

67. In case the Commissioners shall for fifteen days after the receipt by them of any such requisition from the Lieutenant-Governor of Bengal as in section sixty-six is mentioned, neglect or refuse to charge such tolls, dues, rates, and charges, it shall be lawful for the Lieutenant-Governor of Bengal by an order published in the *Calcutta Gazette* to charge such tolls, dues, rates, and charges, and the tolls, dues, rates, and charges mentioned in such order shall have such and the same effect as if they had been fixed and adopted by the Commissioners at a meeting and approved by the Lieutenant-Governor and published in the *Calcutta Gazette* as in section sixty-six is mentioned.

Recovery of tolls in arrear.

68. For the amount of all tolls, charges, dues, and rates duly leviable under this Act in respect of any goods, the Commissioners shall have a lien on such goods and shall be entitled to seize and detain the same until such tolls, rates, and dues are fully paid. Tolls, rates, and dues in respect of goods to be landed shall become payable immediately on the landing of the goods. Tolls, rates, and dues in respect of goods to be removed from the premises of the Commissioners, or to be shipped for export, shall be payable before the goods are removed or shipped.

Priority of lien for tolls.

The lien for such tolls, rates, and dues shall have priority over all other liens and claims, except for general average, for the ship-owner's lien for freight upon the said goods where such lien exists and has been preserved in the manner hereinafter provided, for primage, and for money payable to Her Majesty or the Secretary of State for India in Council under any law for the time being in force.

Provided that nothing in this Act shall affect any power or authority vested in the chief officer of customs under any law for the time being in force.

Goods may be removed to public warehouses.

69. In any case in which goods, without any default on the part of the Commissioners, shall have been left for two days on or in any wharf or shed belonging to the Commissioners, it shall be lawful for the Commissioners to remove

such goods, or cause the same to be removed either to any warehouse belonging to them, or with the consent of the chief officer of customs, to the public warehouses, and the removal to and detention in any such warehouse shall be at the risk and expense of the owners of the said goods.

Notice to consignee or owner of goods.

Whenever any goods shall be so removed the Commissioners shall give notice to the consignee or owner of such goods of such removal, if his address be known, by letter sent by post to such address or left thereat, and shall also publish in the *Calcutta Gazette* notice of such removal and shall specify therein the numbers, marks, and descriptions of such goods so far as the same appear, and the consignee or owner of such goods, in addition to the expenses of the removal of the same, shall be liable, in case the goods shall be removed to any warehouse or store of the Commissioners, to a charge for warehousing for the time during which the goods shall remain in the said warehouse.

Consignee or owner to pay warehousing charges.

In case the said goods shall be removed to the public warehouses, then the said consignee or owner shall be liable to the charges for warehousing goods in such public warehouses, and the said goods shall remain subject to all liens to which they would have been liable if they had remained in the possession of the Commissioners, and to the power of sale hereinafter given.

Lien for freight preserved after landing of goods if notice of lien be given.

70. If the master or owner of any vessel or his agent, at or before the time of landing from such vessel any goods at any wharf, quay, stage, jetty, or pier erected under this Act, shall give to the Commissioners notice in writing that such goods are to remain subject to a lien for freight or other charges payable to the ship-owner to an amount to be mentioned in such notice, such goods shall continue liable to the same lien, if any, for such charges as they were subject to before the landing thereof. Such goods shall be retained either in the warehouses and sheds of the Commissioners, or, with the consent of the chief officer of customs, in the public warehouses, at the risk and expense of the owners of the said goods, until the lien is discharged as hereinafter mentioned.

Discharge of lien by payment or release.

71. Upon the production to the officer of the Commissioners in that behalf of a document purporting to be a receipt for the amount claimed as due, or a release of freight from the person by or on whose behalf such notice shall have been given, it shall be lawful for the Commissioners to permit such goods to be removed without regard to such lien, provided they shall have used reasonable care in respect to the authenticity of such document.

72. If the tolls, rates, and dues payable to the Commissioners in respect of any goods under this Act, are not paid, or if the lien of the ship-owner for freight where such notice as aforesaid has been given is not discharged, the Commissioners may, and in the latter event if required by or on behalf of the person claiming such lien for freight, shall, at the expiration of two months from the time when the goods were placed in their custody, or if the goods are of a perishable nature at such earlier period, being not less than twenty-four hours after the landing of the goods, as they shall think fit, sell by public auction the said goods, or so much as may be necessary to satisfy the amounts hereinafter directed to be paid out of the produce of such sale.

If tolls not paid, or the lien for freight not discharged, goods may be sold after the expiration of two months.

Before making such sale, ten days' notice of the same shall be given by publication thereof in the *Calcutta Gazette*, unless the goods are of so perishable a nature as in the opinion of the officer of the Commissioners in that behalf to render immediate sale necessary or advisable, in which event such notice shall be given as the urgency of the case admits of.

Publication of notice of sale.

If the address of the owner of the goods has been stated on the manifest of the cargo, or in any of the documents which have come into the hands of the Commissioners, or is otherwise known, notice shall also be given to the owner of the goods by letter delivered at such address or sent by the post: but the title of a *bonâ fide* purchaser of such goods shall not be invalidated by reason of the omission to send the notice hereinbefore mentioned, nor shall any such purchaser be bound to inquire whether such notice has been sent.

Notice to owner of goods by letter.

73. In every case of any such sale as aforesaid, the moneys received from the sale shall be applied as follows:—

Application of proceeds of sale.

1*st.*—In payment of the expenses of the sale.

2*ndly.*—In payment according to their respective priorities of the liens and claims excepted in section sixty-eight from the priority of the liens of the Commissioners for tolls, rates, and dues.

3*rdly.*—In payment of the tolls, charges, and expenses of landing, removing, storing or warehousing the same, and of all other charges due to the Commissioners under this Act in respect thereof.

The surplus, if any, shall be paid to the importer, owner, or consignee of the goods, or to his agent, on his applying for the same; provided such application be made within one year from the sale of the goods, or good reason be shown why such appli-

Of the surplus.

cation was not so made to the satisfaction of the Commissioners; and in case such application shall not be so made, nor reason shown, such surplus shall be held by the Commissioners upon trust for the purposes of this Act.

Power to distrain vessels for non-payment of tolls.

74. If the master of any vessel in respect of which any tolls, dues, rates, penalties, or charges shall be payable under this Act, or any rules or orders made in pursuance thereof, shall refuse or neglect to pay the same or any part thereof on demand, it shall be lawful for the Commissioners to apply to the Collector of Customs of the port of Calcutta, and such Collector shall distrain or arrest of his own authority such vessel, and the tackle, apparel, and furniture belonging thereto, or any part thereof, and detain the same until the amount so due to the Commissioners shall be paid;

Sale in case of non-payment.

and in case any part of the said tolls, dues, rates, penalties or charges, or of the costs of the distress or arrestment, or of the keeping of the same, shall remain unpaid for the space of five days next after any such distress or arrestment shall have been so made, the Collector of Customs may cause the vessel or other thing so distrained or arrested to be sold, and with the proceeds of such sale may satisfy such tolls, dues, rates, penalties or charges and costs, including the costs of sale, remaining unpaid, rendering the surplus (if any) to the master of such vessel on demand.

Port-clearance not to be granted till tolls paid.

75. If the Commissioners shall give to the officer of Government whose duty it shall be to grant the port-clearance of any vessel, a notice stating that an amount therein specified is due in respect of tolls, dues, rates, or charges or penalties chargeable under this Act, or any bye-laws, rules or orders made in pursuance thereof, against such vessel, or the owner or master of such vessel in respect thereof, or against or in respect of any goods on board such vessel, such officer shall not grant such port-clearance until the amount so chargeable shall have been paid.

PART XIII.

Miscellaneous.

Procedure in case of damage to the property of Commissioners.

76. In case any damage or mischief shall be done to any wharves, quays, jetties, piers, or works constructed or acquired by the Commissioners under the provisions of this Act by any vessel, through the negligence of any person having the guidance or command thereof, or of any of the mariners or persons employed therein, it shall be lawful for any Magistrate of the town of Calcutta, on the application of the Commissioners, to issue a summons to the master of or agent for such vessel requiring him to attend on a day and

at an hour named in the summons to answer touching such damage or mischief.

Execution of distress to cover damage.

If at the time appointed in the summons, and whether the person summoned shall appear or not, it shall be made out to the satisfaction of the Magistrate that the alleged damage was done through such negligence as aforesaid, and that the pecuniary amount of the same does not exceed two hundred rupees, it shall be lawful for the Magistrate to issue his warrant of distress under which a sufficient portion of the boats, masts, spars, ropes, cables, anchors or stores of the vessel may be seized and sold to cover the expenses of and attending the execution of the distress and the pecuniary amount of damage as aforesaid, and such amount shall be paid to the Commissioners out of the proceeds of the distress.

When case not cognizable by Magistrate.

Provided that if at the time of the damage or mischief the vessel was under the orders of a duly authorized officer belonging to the pilot service or the harbour master's or master attendant's department, the case shall not be cognizable by the Magistrate under this section.

Sanitary provisions.

77. Any person who wilfully deposits, or permits his servants to deposit, any dust, dirt, dung, ashes, refuse or filth of any kind, or any animal matter or any broken glass, earthenware or rubbish, in or upon any wharf, quay, stage, jetty, or pier belonging to the Commissioners, or in or upon any part of the river bank within the port, shall be liable to a fine not exceeding ten rupees for each offence.

Limits of the port of Calcutta how to be defined.

78. It shall be lawful for the Lieutenant-Governor of Bengal, by an order published in the *Calcutta Gazette*, to define the limits of the port for the purposes ,of this Act, and from time to time, by any notice to be in like manner published, to alter, vary, or revoke the same or any part thereof, and by the same or any other order to be in like manner published to define other limits of the port, and the limits so defined in any such order shall, while such order is in force, be for the purposes of this Act the limits of the port. Provided, however, that until such order shall be published, the limits of the port as for the time being defined by a declaration made by the Government of Bengal under the provisions of * the Indian Ports Act, 1875, shall for the purposes of this Act be the limits of the port.

---

* Act No. XII of 1875, section 3, para. 3.

79. Every charge of an offence against any provision of this Act, or of any rule, order or bye-law made under the provisions of this Act, alleged to have been committed within the town of Calcutta, shall be heard and determined in a summary way by some Police Magistrate of Calcutta, according to the provisions of the law for the time being regulating the procedure of the Court of such Police Magistrate.

Jurisdiction as to offences committed within Calcutta.

80. Every charge of an offence against the provisions of this Act, or of any rule, order or bye-law made under the provisions of this Act, alleged to have been committed out of Calcutta, may be heard and determined by any officer authorized to exercise any of the powers of a Magistrate in the place in which such offence may be alleged to have been committed, and the provisions of the Code of Criminal Procedure shall apply to the trial of every such charge.

Jurisdiction as to offences committed out of Calcutta.

81. All regulations under and provisions of the said * Indian Ports Act, 1875, with regard to buoys and moorings, shall extend to the buoys and moorings laid down by or belonging to the Commissioners. The conservator of the port and his assistants, in carrying out and enforcing such regulations, shall act under the direction of the Commissioners.

Regulations as to buoys and moorings.

82. It shall be lawful for the Commissioners at a meeting from time to time to make bye-laws

Commissioners empowered to make bye-laws.

for the guidance of persons employed by them under this Act;

for the safe and convenient use of the wharves, quays, jetties, sheds, warehouses, tramways, and other works constructed by them under the authority of this Act;

for the use of the public landing places constructed by them;

for the reception and removal of goods brought within the premises of the Commissioners;

for declaring the procedure to be followed by the Commissioners in taking charge of goods which shall have been damaged before landing, or shall be alleged to be so damaged;

for keeping clean the river, the river bank, and the works of the Commissioners, and for preventing filth or rubbish being thrown therein or thereon;

for the mode of payment of the tolls, dues, rates and charges leviable under this Act;

* Act No. XII of 1875, section 3, para 3.

for regulating, declaring and defining the wharves, quays, jetties, stages and piers on which goods shall be landed from vessels and shipped on board vessels;

for regulating, defining, and declaring the places and stations on which vessels shall be fastened or moored, or shall lie or remain;

or otherwise for carrying out the purposes of this Act;

and from time to time to vary, alter or revoke any such bye-law so made by them.

Approval of bye-laws.

83. No bye-law or alteration or revocation of a bye-law shall have effect until the same shall have been approved by the Lieutenant-Governor of Bengal by an order published in the *Calcutta Gazette*, and no bye-law shall be approved by the said Lieutenant Governor until it shall have been published for three weeks successively in the *Calcutta Gazette*, and when such bye-law shall have been so approved, all Courts of law shall take judicial notice thereof.

Lieutenant-Governor may revoke and annul bye-laws.

84. It shall be lawful for the Lieutenant-Governor of Bengal, by an order published in the *Calcutta Gazette*, to revoke, annul, and make void any bye-law made and published under the provisions of section eighty-two and section eighty-three.

Penalty for infringement of bye-laws.

85. No penalty for any one infringement of a bye-law shall exceed one hundred rupees, nor in case of a continuing infringement shall any penalty exceed fifty rupees per diem, for every day after notice of such infringement shall have been given by the Commissioners to the person guilty of such infringement.

Bye-laws and tables of tolls to be exhibited.

86. The Commissioners shall cause the said bye-laws and the tables of tolls, dues, rates, and charges leviable to be printed in the English and Bengalee languages and characters, and to be hung up and kept hung up at the several wharves, quays, and jetties and other convenient places on the premises of the Commissioners.

Notice of action.

87. No suit shall be brought against any person for any thing done, or purporting or professing to be done, in pursuance of this Act, after the expiration of three months from the day on which the cause of action in such suit shall have arisen.

Government may order a local survey.

88. The Lieutenant-Governor of Bengal may, at any time, order a local survey and examination of any works of the Commissioners under this Act, or the intended site thereof, and the cost of such survey and examination shall be borne and paid by the Commissioners out of the moneys in their hands by virtue of this Act.

Government may restore or complete works.

89. If the Commissioners shall allow any work constructed by them under this Act to fall into disrepair, or shall not complete any work commenced by them or included in any estimate as aforesaid submitted and approved of, and shall not, after due notice in writing, proceed effectually to repair or complete such work under this Act, it shall be lawful for the Lieutenant-Governor of Bengal to cause such work to be restored, completed, or constructed either by the officers of Government or any private contractor, and the cost of any such restoration, completion, or construction shall be a charge on the works, and a debt due from the Commissioners to the Secretary of State for India in Council.

Mode of realizing money due to the Secretary of State.

90. If, at any time, any money which may for the time being be payable under the provisions of this Act to the Secretary of State for India in Council for interest or for any instalment of principal shall be due and unpaid for one month after the same shall have become payable, it shall be lawful for the Lieutenant-Governor of Bengal, by an order published in the *Calcutta Gazette,* to appoint some person to receive the rents, issues, and profits, tolls, rates, charges, and other income, which the Commissioners may under this Act be entitled to receive, and apply the same in discharge of the amount so payable; and the person so to be appointed shall have, for the recovery of such rents, issues, profits, tolls, rates, charges and income, all and singular the powers and authorities herein and hereby conferred on the Commissioners for the purposes aforesaid.

Government may take possession and revoke powers of Commissioners.

91. If, at any time, it shall appear to the satisfaction of the Lieutenant-Governor of Bengal that the works intended to be accomplished under this Act have not been, and are not likely to be, properly carried out, or (if carried out) have not been, and are not likely to be, properly maintained by the Commissioners, it shall be lawful for the said Lieutenant-Governor to give six months' notice by order published in the *Calcutta Gazette,* that unless within that period the Commissioners shall take measures to the satisfaction of the said Lieutenant-Governor for the carrying out or proper maintenance of the said works, the powers by this Act conferred on the Commissioners will, at the end of such period, be withdrawn and revoked, and the Government of Bengal may assume possession and management of the works (if any) already constructed, and on the expiration of such period of six months by an order in like manner published to declare such powers revoked.

Transfer of Commissioners rights' to Secretary of State.

By such last mentioned order, and without the necessity of any conveyance, all immoveable and moveable property, all rights of levying and recovering tolls, dues, and rates, all benefit of contracts, and all rights of suit, which at

the time may be vested in the Commissioners under this Act, shall be transferred to and vested in the Secretary of State for India in Council, and the rights of all creditors of the Commissioners under this Act shall continue as against the said Secretary of State in Council to the extent of the property so transferred to and vested in him.

Powers of Justices over river bank withdrawn.

92. From and after the commencement of this Act the powers in and by sections 91, 184, and 185, of Act VI of 1863 passed by the Lieutenant-Governor of Bengal in Council, or any of them, conferred upon the Justices of the Peace for the Town of Calcutta, shall absolutely cease and determine with respect to any part of the river or river bank of the port.

Bengal Act VI of 1863 is repealed by Bengal Act IV of 1876. *See* sections 255 and 256 of the latter Act.

93, 94. [*Repealed by Act No. XII of* 1873].

Power to make Commissioners conservators of port.

95. It shall be lawful for the Lieutenant-Governor of Bengal, with the previous sanction of the Governor-General of India in Council, at any time after the passing of this Act, by an order published in the *Calcutta Gazette*, to confer on the Commissioners the powers of the conservator of the port of Calcutta within the port and such portions of the navigable rivers and channels leading thereto, and connected therewith, as shall be specified in such order, and from time to time, by any other order to be in like manner published, to confer on the Commissioners the same powers in any other portion of the said river and channels; provided always that no such order shall be made without the consent of the Commissioners at a meeting.

Port-dues may be made payable to Commissioners.

96. Every such order may direct that any of the port-dues or fees payable under the provisions of any Act authorizing the levy or requiring payment of port-dues or fees from or in respect of vessels entering or leaving the said port, or being or lying therein, or using the said port, shall be received by the Commissioners, and shall also specify the amount, if any, of charge to which the Commissioners shall be liable in respect thereof.

Commissioners to exercise powers of conservator.

97. From and after the publication of any such order the Commissioners shall have within the port and the portion of the said navigable rivers and channels specified in any such order all and singular the rights, powers and authorities in and by *the Indian Ports Act, 1875, or any other Act, conferred on the conservator of the port, and may exercise such rights, powers, and authorities by any officer to be by them thereunto appointed, and the said rights, powers, and authorities shall not be exercised by any

* Act No. XII of 1875, section 3, para. 3.

other person within the said port or portion of the said navigable rivers and channels.

Commissioners to receive port-dues.

98. From and after the publication of any such order, all the port-dues and fees in and by such order directed to be received by the Commissioners and payable in respect of any vessels entering or leaving the port, or being therein, shall be payable to the Commissioners, and shall be deemed to be a portion of their income, and shall be included in their annual estimates and accounts.

Powers to make improvement.

99. From and after the publication of any such order, the Commissioners may excute within the port and the portion of such navigable rivers and channels in such order mentioned, such works as they at a meeting may determine, and all the powers, authorities, restrictions, and provisions contained in this Act in respect to the works by this Act authorized shall apply to such works and to the sanction thereof, the estimates therefor, and the expenditure thereon.

Charge to be included in debt to Government.

100. If in any such order the Lieutenant-Governor of Bengal shall specify any amount of charge to which the Commissioners shall be liable in respect of the port-dues and fees to be received by them, the same shall be deemed to be a sum of money advanced by the Secretary of State for India in Council under the provision of this Act, and to be due on the day upon which such order shall take effect.

Short title.

101. This Act may be called "The Calcutta Port Improvement Act, 1870."

SCHEDULE A.

(*See section* 7.)

Details of the several sums to be taken as due from the Commissioners for making Improvements in the Port of Calcutta to the Secretary of State for India in Council.

	Estimated Cost of Work.
Improvement of the river bank at Calcutta near Juggernauth Ghaut for the accommodation of the country boat traffic ...	1,17,033
Constructing four screw pile jetties with steam cranes and goods sheds on the strand bank, Calcutta	5,28,500
Making lots Nos. 13 to 24 on the strand bank, Calcutta, available for export traffic	11,913
Constructing two screw pile jetties with tramways, cranes and hoists, opposite the existing north Custom House shed on the strand bank, Calcutta	2,15,415

Constructing offices, &c., for the use of the officers employed on the new jetties on the strand bank, Calcutta	12,010
Supplying two steam hoists for single crane jetties, Nos. 1 and 3, on the strand bank, Calcutta	4,585
Minor works and expenses, contingent and establishment charges, and cash balance made over	1,10,541
Total ..	10,00,000

SCHEDULE B.

(*See section* 8.)

Sums to be paid in discharge of the principal of the amount by section 8 declared to be due from the Commissioners to the Secretary of State, and times fixed for such payment:—

				Rupees.
1st	August	1873	...	1,00,000
"	"	1876	...	1,00,000
"	"	1879	...	1,00,000
"	"	1882	...	1,00,000
"	"	1885	...	1,00,000
"	"	1888	...	1,00,000
"	"	1891	...	1,00,000
"	"	1894	...	1,00,000
"	"	1897	...	1,00,000
"	"	1900	...	1,00,000

SCHEDULE C.

(*See section* 47.)

FORM OF DEBENTURE.

The Commissioners for making Improvements in the Port of Calcutta,

The 18

No.

By virtue of the Act No. V of 1870 of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations, entitled "an Act to appoint Commissioners for making Improvements in the Port of Calcutta," we, the Commissioners for making Improvements in the Port of Calcutta, in consideration of the sum of rupees paid to us by A. B. of promise to pay to the said or order the said sum of rupees after the date hereof together with interest at the rate of per centum per annum payable half-yearly on the day of and the day of

(*Signatures of the Chairman or Vice-Chairman and two Commissioners.*)

SCHEDULE D.

(*See section* 61.)

FORM OF RECEIPT FOR GOODS.

By the Commissioners for making Improvements in the Port of Calcutta.

Landed during the day of from the by the Commissioners for making Improvements in the Port of Calcutta, the noted in the margin (*if there be any apparent injury this is to be stated,*) contents and state of the contents unknown.

For the Commissioners for making Improvements in the Port of Calcutta.

A. B.

CALCUTTA,
day of 18

THE VILLAGE CHOWKEEDAREE ACT, 1870.

CONTENTS.

PREAMBLE.

PART I.

PRELIMINARY.

SECTION.

1.—Interpretation clause.
2.—Repeal of section 21 of Regulation XX of 1817.

APPOINTMENT OF PUNCHAYET.

3.—Power to appoint punchayet in villages.
4.—Power to make unions of villages.
5.—Power to appoint punchayet on application of villagers.
6.—Succession of member of punchayet.
7.—Qualification of members of punchayet.
8.—Penalty on refusing to act as member of punchayet.
9.—Exemption from serving on punchayet.
10.—Power to remove members of punchayet.

NUMBER AND SALARIES OF CHOWKEEDARS.

11.—Number of chowkeedars to be determined by punchayet.
12.—Punchayet to determine salaries of chowkeedars.

ASSESSMENT.

13.—Salaries to be raised by assessment.
14.—Persons liable to assessment.
15.—Nature and amount of assessment.

16.—Time and form of assessment.
17.—Power to continue former assessment.
18.—Duration of assessment.
19.—Power to review assessment.
20.—Magistrate may revise assessment.
21.—Rate payable quarterly in advance.
22.—Allowance for collecting rate.
23.—Constitution of chowkeedaree fund.
24.—Application of surplus.

LEVY OF RATE.

25.—Payment of instalment to be made within seven days.
26.—List of defaulters to be made out.
27.—Power to distrain for rates.
28.—Manner of executing distress.
29.—Sale in execution of warrant.
30.—Objections to levy how to be made.
31.—Custody of property distrained.
32.—What property may be distrained for rates.
33.—Distress not to be levied after a year.
34.—Irregularities not to avoid distraint.

APPOINTMENT, DISMISSAL, AND DUTIES OF CHOWKEEDARS.

35.—Appointment and dismissal of chowkeedars
36.—Appointment of chowkeedars to be registered by Police.
37.—Power to Magistrate to dismiss chowkeedars.
38.—Power to fine chowkeedars.
39.—Duties of chowkeedar.
40.—Procedure on arrest by chowkeedars.
41.—Control of chowkeedars by punchayet.

APPLICATION OF FINES, AND REALIZATION OF CHOWKEEDAR'S SALARY.

42.—Fines to be carried to chowkeedaree fund.
43.—Mode of paying chowkeedars.
44.—Application by chowkeedar for payment of his salary.
45.—Mode of realizing chowkeedar's salary.
46.—Reimbursement of member of punchayet by whom salary is paid.

REVISION OF ASSESSMENT.

47.—Power to revise assessment.

PART II.

CHOWKEEDAREE CHAKRAN LANDS.

48.—Chowkeedaree chakran lands to be transferred to the zemindars.
49.—Assessment to be fixed at one-half value.
50.—Collector to make assessment.

51.—Effect of transfer.
52.—Assessment to be a permanent charge on lands.
53.—Mode of realization.
54.—Notice of arrear.
55.—Mode and effect of sale.
56.—Application of proceeds of sale.
57.—Right to service from occupier of transferred land to cease.
58.—Lieutenant-Governor may appoint a commission.
59.—Power to refer to commission question relating to chakran land.
60.—Powers of commission.
61.—Duties of commission and effect of their order.

PART III.

MISCELLANEOUS.

62.—Powers of punchayet may be exercised by the Magistrate.
63.—Indemnity clause.
64.—Control vested in Commissioner of Circuit.
65.—Rules for guidance of punchayet.
66.—Duty of zemindars to report crimes not affected.
67.—Village watch where punchayet not appointed not affected.
68.—Commencement of Act.
69.—Short title.
FOUR SCHEDULES.

ACT No. VI OF 1870.

(Received the assent of the Lieutenant-Governor on the 16th June 1870, and of the Governor-General on the 28th September 1870.)

An Act to provide for the Appointment, Dismissal, and Maintenance of Village Chowkeedars.

Preamble.

WHEREAS it is expedient to make provision for the appointment, dismissal, and maintenance of village chowkeedars in the provinces subject to the Lieutenant-Governor of Bengal; It is enacted as follows:

PART I.

PRELIMINARY.

Interpretation clause.

1. The following words and expressions shall, in the construction of this Act, have the several meanings hereby assigned to them respectively, except where a different intention shall appear from the context (that is to say)—

The words "Magistrate of the district" shall mean the chief officer charged with the executive administration of a district in criminal matters by whatsoever designation such officer is called.

"Magistrate of the district."

The word "Magistrate" shall mean the officer exercising all or any of the powers of a Magistrate, and charged with the immediate executive administration, in criminal matters, in any sub-division of a district or portion of a district within which any village may be situated, by whatsoever designation such officer is called.

"Magistrate."

The words "Chowkeedaree Chakran Lands" shall mean lands which may have been assigned, otherwise than under a temporary settlement, for the maintenance of the officer who may have been bound to keep watch in any village and report crime to the police, and in respect to which such officer may be at the time of the passing of this Act liable to render service to a zemindar.

"Chowkeedaree Chakran Lands."

The word "Zemindar" shall mean the person whose name is registered in the general register of estates paying revenue directly to Government as the proprietor of an estate so paying revenue, or the person whose name is registered in the general register of rent-free tenures as proprietor of a rent-free tenure.

"Zemindar."

Repeal of section 21 of Regulation XX of 1817.

2. Section 21, Regulation XX of 1817, is hereby repealed as to all villages to which this Act may apply.

APPOINTMENT OF PUNCHAYET.

Power to appoint punchayet in villages.

3. It shall be lawful for the Magistrate of the district, by a sunnud under his hand and seal, to appoint not less than three nor more than five persons to be a punchayet in any village containing more than sixty houses, within the district of which he is in charge. Provided that no such punchayet shall be appointed in any village to which the provisions of Act XXVI of 1850, or of Act XX of 1856, passed by the Legislative Council of India, or the provisions of Act III of 1864, or of Act VI of 1868, passed by the Lieutenant-Governor of Bengal in Council, shall have been extended. Provided also that no punchayet shall be appointed in any village until some officer exercising any of the powers of a Magistrate shall, in personal communication with the residents in such village or some of them, have explained to them the general duties of a punchayet.

The places in which the above-mentioned Acts were in force are now respectively Unions, Stations, and first class and second class Municipalities under Bengal Act V of 1876. *See* section 3 of that Act.

Power to make unions of villages.

4. If two or more villages containing together not less than eighty houses are so situate that some house in one of such villages is situate within one mile of some house in each of the

others, it shall be lawful for the Magistrate to form such villages into a union, and for the purposes of this Act such union shall be deemed to be a village.

Power to appoint punchayet on application of villagers

5. Whenever the majority in number of the adult male residents in any village, or in two or more villages so situate as in section four is set forth, shall, by a writing signed by them, apply to the Magistrate of the district for the appointment of a punchayet in such village or villages, it shall be lawful for him to appoint a punchayet under this Act in such village or villages without regard to the number of houses therein contained, and all the provisions of this Act shall apply to such punchayet and to such village or villages.

Succession of member of punchayet.

6. Whenever any member of a punchayet shall die or cease to be a member of such punchayet, the Magistrate of the district shall by a sunnud under his hand and seal appoint some other person to be a member of such punchayet in the place or stead of the person so dying or ceasing to be a member.

Qualification of members of punchayet.

7. No person shall be appointed to be a member of a punchayet under this Act unless he be a resident in such village or the proprietor or holder of land therein or his local agent; provided that such proprietor or local agent shall not be so appointed unless he be resident within one mile from some part of such village.

Penalty on refusing to act as member of punchayet.

8. If any person, appointed to be a member of a punchayet, shall refuse to undertake the office, or wilfully omit to perform the duties thereof, and shall not within fifteen days from the date of his appointment, or from such omission, show grounds to the satisfaction of the Magistrate for such refusal or omission, he shall be liable to a fine which may extend to fifty rupees. Provided that every person who shall have paid any fine under the provisions of this section shall thereupon cease to be a member of the punchayet and shall not be liable to be re-appointed a member of punchayet for the space of two years from the day of the payment of such fine.

Exemption from serving on punchayet.

9. It shall be lawful for any person who shall have served for the term of two years as a member of any punchayet to retire from such punchayet, and the person so retiring shall not without his own consent be appointed to serve on such punchayet until after the expiry of two years from the date of his such retirement.

Power to remove members of punchayet.

10. It shall be lawful for the Magistrate of the district by an order in writing, signed by him, to remove or discharge any member of a punchayet.

Number and Salaries of Chowkeedars.

11. The punchayet shall determine the number of chowkeedars to be employed in a village: Provided that there shall be at least two chowkeedars appointed in every village in which there are one hundred and fifty houses, and one additional chowkeedar for every complete number of one hundred houses beyond such number of one hundred and fifty.

Number of chowkeedars to be determined by punchayet.

12. The punchayet shall from time to time determine the monthly salaries of the chowkeedars to be appointed, provided that such salaries shall not be less than three nor more than six rupees per month.

Punchayet to determine salaries of chowkeedars.

Assessment.

13. The punchayet shall raise in each village, by a yearly assessment, the amount required for the pay of the chowkeedars, together with fifteen per cent. above such amount, in order to provide for payment of the expenses of collection and losses from the non-realization of the rate from defaulters.

Salaries to be raised by assessment.

14. All owners or occupiers of houses in any village, and any zemindar who has within such village a cutcherry for collecting rents, shall be liable to assessment for the purposes of this Act.

Persons liable to assessment.

15. The rate to be levied in any village for the purposes of this Act shall be an assessment according to the circumstances and the property to be protected of the persons liable to the same: Provided that the amount to be assessed on any one person shall not be more than one rupee per mensem, and that all persons who, in the opinion of the punchayet, are too poor to pay half an anna a month shall be altogether exempt from assessment under this Act.

Nature and amount of assessment.

16. The punchayet shall, two clear months before the first day of the year current in the village, make such assessment upon the several persons liable thereto, and shall enter the same in a list, which shall specify the name of each person liable to be assessed, the trade, business or other description of such person, and the amount payable monthly by such person, and such list shall be by them published in some conspicuous part of the village at least fifteen days before the expiry of the said two months.

Time and form of assessment.

17. The punchayet may, instead of making a new assessment, revise or continue the assessment of the current year, and the assessment so revised or continued shall be in like manner published.

Power to continue former assessment.

Duration of assessment.

18. Every assessment so made, revised, or continued, shall commence and take effect upon the first day of the year current in the village next ensuing the date of publication thereof, and shall remain in force for one year, and until some other assessment properly made or revised under the provisions of this Act shall commence and take effect.

Power to review assessment.

19. Any person dissatisfied with the amount at which he has been assessed may, within one month after any publication of any assessment, apply to the punchayet, either orally or in writing, for a revision of the assessment, and the punchayet may confirm the assessment or amend the same.

Magistrate may revise assessment.

20. No appeal, as of right, shall lie from any order passed by a punchayet as regards the revision of any assessment; but the Magistrate may call for the general list of assessment in any village, and shall so call for such list on the application of ten rate-payers in such village, and may pass such orders on any list so called for as he may think proper.

Rate payable quarterly in advance.

21. Every rate to be payable under this Act shall be payable by equal *quarterly instalments; the instalment of rate on account of each *quarter shall be due on the first day of such *quarter.

Allowance for collecting rate.

22. Every punchayet shall appoint one of their number to receive and collect the rate, and to grant receipts for the same and to keep the accounts thereof, and it shall be lawful for the punchayet to permit the person so appointed to retain any sum not exceeding six per cent. of the amount collected by him to repay the costs of such collection..

Constitution of chowkeedaree fund.

23. The proceeds of every assessment to be levied under this Act in any village, together with any sum which may become applicable to the purposes of this Act, shall constitute a fund which shall be called the chowkeedaree fund of such village.

Application of surplus.

24. If at the end of any year any surplus of the fund may remain unexpended, such surplus shall be carried to the credit of the chowkeedaree fund for the ensuing year, and the amount to be raised by assessment in such ensuing year may in such case be reduced by the amount of such surplus.

* Bengal Act I of 1871, section 5.

Levy of Rate.

25. Every person liable to pay any sum assessed upon him under this Act shall, within seven days after the day upon which any instalment of rate may be payable by him, pay or tender such instalment to the person appointed by the punchayet to receive the same.

Payment of instalment to be made within seven days.

26. Immediately after the tenth day of each *quarter the punchayet of every village to which the provisions of this Act extend shall prepare a list of the persons who may have failed to pay their respective instalments of the rate for such *quarter showing the amount due from each of such defaulters, and shall publish such list in some conspicuous part of the village.

List of defaulters to be made out.

27. The collecting member of the punchayet shall thereupon issue a writing in the form in Schedule A, signed by him, authorizing the chowkeedar, or such other person as may be therein named, to levy, by the distraint and sale of a sufficient portion of the moveable property of such defaulters, the amount of their respective arrears, together with sums equal to such arrears respectively by way of penalty.

Power to distrain for rates.

28. The person so authorized shall seize such moveable property of such respective defaulters as he shall deem sufficient, and shall make an inventory of all moveable property so seized, and shall at the same time give notice by beat of drum of the time and place where such moveable property shall be sold. Such time of sale shall be not less than two days, nor more than five days, from the time of the proclamation thereof.

Manner of executing distress.

29. In case any defaulter shall not, within the time specified by such notice, pay the amount of such arrears payable by him, together with an equal amount by way of penalty, the moveable property distrained, or such portion of it as may be necessary, shall be sold by public outcry at the place and time specified, and the proceeds shall be applied in discharge of such amount and penalty, and the surplus, if any, shall be returned to the person in possession of the moveable property at the time of the seizure.

Sale in execution of warrant.

30. Whenever any person whose name may have been included in any list of defaulters may dispute his liability to pay the amount mentioned in such list or any portion thereof, he may apply to the Magistrate, either orally or in writing, stating

Objections to levy how to be made.

* Bengal Act I of 1871, section 5.

the grounds of his objection, and the Magistrate shall examine his objection and pass such order thereon as to him shall seem proper.

Custody of property distrained.

31. Any property distrained under the provisions of section twenty-eight shall remain in the custody of the chowkeedar, or of some other person whom the punchayet may appoint in that behalf.

What property may be distrained for rates.

32. All goods and chattels, except plough-cattle and tools and implements of trade or agriculture, found in or upon any house or land occupied by any defaulter, shall be deemed to be his property, and shall be liable to be distrained and sold for the recovery of the arrear. If the goods and chattels distrained belong to any person other than the defaulter, the defaulter shall be liable to indemnify the owner of such goods and chattels for any damage he may sustain by reason of such distress, or by reason of any payment he may make to avoid such distress or any sale under the same.

Distress not to be levied after a year.

33. No arrears of any rate payable under this Act shall be recovered by distress after the expiration of one year from the day on which the same shall have become due.

Irregularities not to avoid distraint.

34. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any list, assessment, notice, summons, power, writing, inventory or other proceeding relating thereto, nor shall such party be deemed a trespasser from the commencement on account of any irregularity afterwards committed by him, but all persons aggrieved by such irregularity may recover full satisfaction for any special damage sustained by them, in any Court of competent jurisdiction, subject to the provisions of section sixty-three of this Act.

Appointment, Dismissal, and Duties of Chowkeedars.

Appointment and dismissal of chowkeedars.

35. The punchayet shall appoint the persons to be chowkeedars under this Act, and may, from time to time, with the sanction of the Magistrate, dismiss any such chowkeedars.

Appointment of chowkeedars to be registered by police.

36. On the appointment of any chowkeedar the punchayet shall give to him a certificate signed by them of such his appointment, specifying therein the rate of salary at which he has been appointed, and he shall within seven days produce such certificate at the police-station within the limits of which his village may be situate, and the officer in charge of such station shall cause the particulars of such certificate to be registered in a book to be kept in

such station for the purpose of such registration, and shall report the same to the Magistrate.

Power to Magistrate to dismiss chowkeedars.

37. It shall be lawful for the Magistrate, if he thinks fit, to dismiss any chowkeedar for any misconduct or neglect of duty.

Power to fine chowkeedars.

38. Every chowkeedar who may be guilty of any wilful misconduct in his office, or neglect of his duty, such misconduct or neglect not being an offence within the meaning of the Indian Penal Code, and not being of so grave a character as in the opinion of the Magistrate to require his dismissal from his office, shall be liable to a fine which shall not exceed the amount of one month's salary.

Duties of chowkeedar.

39. Every chowkeedar appointed under the provisions of this Act shall perform the following duties:—

1*st.*—He shall give immediate information to the officer in charge of the police-station, within the limits of which the village is situate, of every unnatural, suspicious, or sudden death which may occur, and of every offence specified in Schedule B of this Act which may be committed within the village of which he is chowkeedar, and he shall further keep the police informed of all disputes which are likely to lead to any riot or serious affray.

2*nd.*—He shall arrest all proclaimed offenders, and all persons whom he may find in the act of committing any offence specified in Schedule B of this Act.

3*rd.*—He shall observe, and from time to time report to the officer in charge of the police-station within the limits of which the village may be situate, the movements of all bad characters in such village.

4*th.*—He shall report to the officer in charge of such police-station the arrival of suspicious characters in the neighbourhood.

5*th.*—He shall present himself at such station twice in each week, if such station be within two miles of the village, and if it be more remote, once in each week or once in each fortnight as the Magistrate may direct.

6*th.*—He shall supply any local information which the Magistrate, or any officer of police *or any other officer thereunto authorized by an order in writing of the Lieutenant-Governor, may require.

7*th.*—He shall obey the orders of the punchayet in regard to keeping watch in the village and other matters connected with his duties as chowkeedar.

---

*Bengal Act I of 1871, section 6

40. Whenever the chowkeedar may arrest any person, such chowkeedar shall forthwith take the person so arrested to the police-station within the limits of which such village is situate, provided that if the arrest is made at night, such person shall be so taken, as soon as convenient, on the following morning.

Procedure on arrest by chowkeedars.

41. The punchayet shall exercise a general control over the chowkeedars, and every member of such punchayet who may know or be informed of the commission within the village of any offence specified in Schedule B of this Act, shall forthwith cause the same to be reported by the chowkeedar to the officer in charge of the police-station within the limits of which the village may be situate, and on failure of the chowkeedar, such member shall himself report the same to such officer.

Control of chowkeedars by punchayet.

APPLICATION OF FINES AND REALIZATION OF CHOWKEEDAR'S SALARY.

42. All fines and penalties levied under this Act shall be carried to the credit of the village chowkeedaree fund and be applied as a portion thereof.

Fines to be carried to chowkeedaree fund.

43. Every chowkeedar shall receive month by month the full amount of his salary from the member of the punchayet appointed to collect the tax.

Mode of paying chowkeedars.

44. Whenever the salary of any month shall not be paid in full to any chowkeedar on or before the 15th of the month following, such chowkeedar may apply to the Magistrate, who shall call upon the punchayet within ten days to show cause why they should not pay the amount due to such chowkeedar.

Application by chowkeedar for payment of his salary.

45. If it shall appear to the Magistrate that there is no money to the credit of the village chowkeedaree fund, and that the punchayet shall not have taken sufficient steps to realize from defaulters the arrears due from them, the Magistrate shall issue his warrant for the realization of the chowkeedar's pay from the members of the punchayet by distress and sale of their moveable property, and shall therein charge some person, therein named, with the execution thereof, and upon such warrant such proceedings shall be had as hereinbefore directed to be had on any writing issued for the recovery of any arrears of the tax by this Act directed to be levied; and the amount due to such chowkeedar shall be paid to him out of the amount so levied, and the residue thereof, after payment thereout of all costs and expenses incurred in or about the execution of such warrant, shall be paid to the persons from whom such distress shall have been so levied.

Mode of realizing chowkeedar's salary.

46. Any member of a punchayet, from or by whom any sum shall have been levied or paid under the provisions of the section last preceding, shall be reimbursed the amount so levied from or paid by him from any surplus of the village chowkeedaree fund which may remain at the end of the year in which such sum shall have been so levied or paid.

Reimbursement of member of punchayet by whom salary is paid.

Revision of Assessment.

47. If it shall appear to the Magistrate that the deficiency of the funds to the credit of the village chowkeedaree fund has been caused by an erroneous assessment, the Magistrate shall call for the assessment and revise the same as he shall think proper, and shall remit the same to the punchayet, and such punchayet shall forthwith proceed to levy the sums respectively appearing to be due by such revised assessment.

Power to revise assessment.

PART II.

Chowkeedaree Chakran Lands.

48. All chowkeedaree chakran lands before the passing of this Act assigned for the benefit of any village in which a punchayet shall be appointed, shall be transferred in manner and subject as hereinafter mentioned to the zemindar of the estate or tenure within which may be situate such lands.

Chowkeedaree chakran lands to be transferred to the zemindars.

49. All lands so transferred shall be subject to an assessment which shall be fixed at one-half of the annual value of such land according to the average rates of letting land similar in quality in the neighbourhood of such land, and such assessment shall be made by the punchayet of the village.

Assessment to be fixed at one-half value.

50. Such assessment when made by the punchayet shall be submitted to the Collector of the district, and he or any other officer exercising the powers of a Collector by him thereunto appointed may approve or revise and approve the same (provided that it shall be lawful for the zemindar to contest the assessment before it is so approved), and after such approval the Collector of the district shall, by an order under his hand in the form in Schedule C, transfer to such zemindar such land subject to the assessment so approved.

Collector to make transfer.

51. Such order shall operate to transfer to such zemindar the land therein mentioned subject to the amount of assessment therein mentioned, and subject to all contracts theretofore made in respect of, under, or by virtue of, which any person other than the zemindar may have any right to any land, portion of his estate or tenure, in the place in which such land may be situate.

Effect of transfer.

52. The amount of the assessment mentioned in such order shall be a permanent yearly charge on such land, and shall be payable to the collecting member of the punchayet yearly in advance on the first day of the year current in the village by the person for the time being entitled to recover the rents of such land from the occupier thereof.

Assessment to be a permanent charge on lands.

53. Every such assessment shall be deemed to be a demand to be realized in the manner hereinafter provided.

Mode of realization.

54. Whenever such assessment shall be in arrear for the space of fifteen days after it shall have become payable, the collecting member of the punchayet shall forward to the Collector of the district, in which the land so assessed is situate, notice of the amount of such arrear and the name of the person liable to pay such assessment in the form in Schedule D annexed to this Act.

Notice of arrear.

55. Immediately after the receipt of the said notice the Collector or other officer authorized to hold sales under the law for the time being in force for regulating sales of land for arrears of revenue, shall proceed without any preliminary notice for payment to issue a notification for sale under section 6 of Act XI of 1859, passed by the Legislative Council of India, and unless the arrears be paid within the time mentioned in such notification shall sell such land according to the provisions of such law as if such land were an estate within the meaning of Act VII of 1868, passed by the Lieutenant-Governor of Bengal in Council; and all provisions of the law for the time being in force with respect to the sale of such estates shall apply to the sale of such land, and every such sale shall have such and the same force and effect as if the same were a sale of an estate for arrears of its own revenue, and such land shall be held by the purchaser thereof subject to such assessment, but freed from all other charges and incumbrances save those to which he would have been liable if the said land had been an estate sold for arrears of its own revenue.

Mode and effect of sale.

56. Such Collector shall, out of the proceeds of such sale, after defraying the costs of and attending such sale, pay to the collecting member of the punchayet, within one week after such sale shall have become final, the amount due for arrears of such assessment, and pay the balance of such proceeds to the person named in the notice from the collecting member of the punchayet as the person liable to pay the assessment of such land.

Application of proceeds of sale.

57. When any lands shall have been transferred to any zemindar under the provisions hereinbefore contained, the right to the performance of any services to any person by the occupier of such lands in respect of his occupation thereof shall wholly cease and determine.

Right to service from occupier of transferred land to cease.

58. In any district or part of a district in which may be situated lands before the passing of this Act assigned for the maintenance of an officer to keep watch in any village and to report crime to the Police, it shall be lawful for the Lieutenant-Governor of Bengal, by an order to be published in the *Calcutta Gazette*, to appoint a commission, consisting of one or more persons, to ascertain and determine the chowkeedaree chakran lands and other lands before the passing of this Act assigned for the maintenance of an officer to keep watch in any village and to report crime to the Police in such district.

Lieutenant-Governor may appoint a commission.

59. Whenever in any district in which such commission shall have been appointed any question shall arise whether any or what lands are chowkeedaree chakran lands, or other lands before the passing of this Act assigned for the maintenance of an officer to keep watch in any village and to report crime to the Police, it shall be lawful for such commission to enquire into such question.

Power to refer to commission question relating to chakran land.

60. In enquiring into such question the commission shall, as far as may be necessary for the purposes of this Act, exercise all such and the same powers as are conferred by Regulation VII of 1822 and the Regulations and Acts amending the same upon a Collector making a settlement of land revenue.

Powers of commission.

61. Such commission shall demarcate the boundaries of any lands which they may determine to be chowkeedaree chakran lands, or other lands before the passing of this Act assigned for the maintenance of an officer to keep watch in any village and to report crime to the Police, and shall make orders under their hand, setting forth the land which they shall have determined to be chowkeedaree chakran lands or other lands as aforesaid, and the boundaries thereof, and the name of the village for the benefit of which such lands are assigned, and distinguishing whether such lands be or be not chowkeedaree chakran lands or other lands as aforesaid. Every such order shall be final and conclusive respecting all matters hereinbefore required to be set forth in such order so far as the same shall be therein set forth.

Duties of commission and effect of their order.

PART III.

MISCELLANEOUS.

Powers of punchayet may be exercised by the Magistrate.

62. All powers vested in the punchayet for the appointment and dismissal of chowkeedars, and for fixing the number of chowkeedars to be appointed, and the rate of their pay, and for making and levying the assessments hereinbefore directed to be made, may be exercised by the Magistrate or any person whom the Magistrate may by any writing under his hand authorize in that behalf, in case the punchayet shall, for fifteen days after a notice from the Magistrate to exercise such powers or any of them, refuse or neglect to exercise the same.

Indemnity clause.

63. No action shall be brought against the Magistrate nor against any punchayet, nor against any member thereof, nor against any of his or their officers, nor against any person acting under his or their direction, for anything done or professing or purporting to be done under this Act, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Magistrate and at the place of abode of such person, explicitly stating the cause of action, and the name and place of abode of the intended plaintiff; and unless such notice be proved, the Court shall find for the defendant, and every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards, and if any person to whom any such notice of action is given, shall, before action brought, tender sufficient amends to the plaintiff; such plaintiff shall not recover.

Control vested in Commissioners of circuit

64. The Commissioner of circuit shall have a general controlling power over all proceedings of punchayets and Magistrates, and Magistrates of districts under this Act.

Rules for guidance of punchayet.

65. The Lieutenant-Governor of Bengal may from time to time frame rules for the guidance of the punchayets, for regulating the practice and procedure of any commission in trying or determining any question referred to them, and for any other purposes connected with this Act, and may, from time to time, alter, vary, or revoke the same, and shall publish every such rule or alteration, variation or revocation of a rule in the *Calcutta Gazette,* and the rules for the time being in force shall, from their publication, have such and the same force and effect as if they were herein enacted.

Duty of zemindars to report crimes not affected.

66. Nothing in this Act contained shall diminish, or in any way affect, any liability, duty, or obligation of any zemindar under any law in force at the time of the passing of this Act to report crimes or offences occurring within his estate or tenure.

Village watch where punchayet not appointed not affected.

67. Nothing in this Act contained, save the provisions of sections fifty-eight, fifty-nine, sixty and sixty-one, shall affect any lands before the passing of this Act assigned for the maintenance, in any village in which a punchayet may not be appointed, of an officer to keep watch in such village and to report crime to the police, and every such officer in such village shall be bound to perform the same duties and shall have the same rights unto such ands and may be removed and a successor to him appointed as if this Act had not been passed.

Commencement of Act.

68. This Act shall commence and take effect in those districts or sub-divisions of districts in the provinçes subject to the Lieutenant-Governor of Bengal to which the said Lieutenant-Governor shall extend it by an order published in the *Calcutta Gazette*, and thereupon this Act shall commence and take effect in the districts and sub-divisions of districts named in such order, on the day which shall be in such order provided for the commencement thereof.

The Act has been extended to Patna, Bhaugulpore, Beerbhoom, Jessore, Rajshahye, Dacca, and Chittagong, *Calcutta Gazette*, 1871, p. 457; to Patna, Bogra and Maldah, *ibid.*, 1875, p 355; to Patna, Shahabad, Durbhunga, and Sarun, *ibid.*, p. 707; to Furcedpore and Backergunge, *ibid.*, p. 734; to Gya and Chumparun, *ibid.*, p. 827; to Monghyr and Purneah, *ibid.*, p 846; to Rungpore, *ibid.*, p. 1092; to Julpigoree, *ibid.*, p. 1424; to Tipperah, *ibid.*, p. 1490; to Noakholly *ibid.*, 1876, p. 238; to Burdwan, *ibid.*, p. 276; to Nuddea, *ibid.*, p. 396; to Midnapore, *ibid.*, p. 650; to Moorshedabad, *ibid.*, p. 684; to Bankoora, *ibid.*, p. 1108; to 24-Pergunnahs, *ibid.*, p. 1374; to Hooghly, *ibid.*, 1877, p. 333; to Howrah, *ibid.*, p. 1400.

Under the Scheduled Districts' Act, 1874, the Act has also been extended by the Chief Commissioner of Assam to the district of Goalpara, *Gazette of India*, 1878, p. 290.

Short title.

69. This Act may be called "The Village Chowkeedaree Act, 1870."

SCHEDULE A.

(*See section* 27.)

Form of Distraining Warrant.

ACT VI OF 1870.

VILLAGE CHOWKEEDAREE FUND.

ON behalf of the punchayet of ( ). Whereas the several persons named in the list at foot hereof have made default in payment to the said punchayet of the sums in the said list set opposite to their respective names, you are hereby authorized and required to levy by distress and sale of a sufficient portion of the moveable property of the said defaulters the said several sums set opposite to their respective names, together with additional sums by way of penalty respectively equal to the sums set forth.

Dated day of 12

(Sd.) R. B.,

Collecting Member.

Name and Description	Amount.	When due.	Penalty.
B. G.	1-0	1 Bysack	1-0
K. B.	0-2	1 „	0-2

SCHEDULE B.

(*See sections* 39 *and* 41.)

Offences to be reported and for which Chowkeedar may arrest.

Murder, culpable homicide, rape, dacoity, robbery, theft, mischief by fire, house-breaking, counterfeiting coins, causing grievous hurt, riot, and all attempts and preparations to commit, and abatements of, the said offences.

SCHEDULE C.

(*See section* 50.)

Form of Transferring Order.

District of

I, Collector of

do by this order under my hand made in pursuance of Act VI of 1870, passed by the Lieutenant-Governor of Bengal in Council, transfer to zemindar of the chowkeedaree chakran lands of the village of in the said bounded and containing beeghas cottahs: to hold unto the said his heirs and assigns subject to the annual assessment of rupees payable under the provisions of the said Act to the chowkeedaree fund of the said village, and also subject to all contracts binding the said in respect of any lands, portion of the said situated within the said village.

day of 18 (Sd.) J. S.,

Collector of

SCHEDULE D.

(*See section* 54.)

Form of Notice of Arrears of Assessment on Land.

Punchayet of

To A. B., ESQ., *Collector of*

SIR,

I HEREBY notify to you that the sum of rupees being for one year's assessment payable in respect of the chowkeedaree chakran lands of this village transferred to the zemindar of became due on the day of and that the same is still unpaid, and that of is the person liable to pay such assessment.

The day of (Sd.) E. F.,

Collecting Member of Punchayet.

ACT No. I OF 1871.

(*Received the assent of the Lieutenant-Governor on the 7th January* 1871, *and of the Governor-General on the* 16*th idem.*)

An Act to amend the Village Chowkeedaree Act, 1870.

Preamble.

WHEREAS it is expedient to amend the provisions of the Village Chowkeedaree Act, 1870; It is enacted as follows:—

Act not to apply till chowkeedar appointed.

1. Nothing in the said Act shall be held to repeal the provisions of section 21, Regulation XX of 1817, in any village or union until a chowkeedar shall have been appointed therein under the provisions of the said Act.

Punchayet in certain cases to make assessment within one month.

2. Whenever a punchayet shall have been appointed in any village, the Magistrate may direct that such punchayet shall, within one month after their appointment, make an assessment for the residue of the year according to the year current in the village upon the persons liable to the payment of the chowkeedaree rate in such village, and shall enter the same in a list containing the particulars required to be set forth in the list mentioned in section 16 of the said Act. Such list shall, on its completion, be forthwith published in some conspicuous part of the said village.

Assessment to take effect within fifteen days.

3. Every assessment so made shall commence and take effect upon the expiration of fifteen days from the publication of such list.

Effect of assessment.

4. Every such assessment shall be deemed to be an assessment made in pursuance of the provisions of the said Act, and the amounts thereby assessed may be collected and enforced accordingly.

Rate payable quarterly instead of monthly.

5. In section 21 of the said Act VI of 1870, the word "quarterly" shall be substituted for the word "monthly," and in sections 21 and 26 the word "quarter" shall be substituted for the word "month" wherever such word occurs in the said sections; and the said sections shall be read and construed as if the words hereby directed to be substituted had been originally inserted in place of the words for which they are hereby respectively directed to be substituted.

New clause substituted for clause 6 of section 39 of Act VI of 1870.

6. In section 39 of the said Act the following clause shall be substituted for clause six thereof: "He shall supply any local information which the Magistrate or any Officer of Police or any other officer thereunto authorized by

an order in writing of the Lieutenant-Governor may require;" and the said section shall be read and construed as if the said clause had been originally inserted therein in place of the clause for which it is hereby directed to be substituted.

Construction of Act.

7. This Act shall be read with and as part of the said Act VI of 1870.

This Act has been extended by the Chief Commissioner of Assam to the district of Goalpara—*Gazette of India*, 1878, p. 290.

ACT No. II. OF 1871.

(*Received the assent of the Lieutenant-Governor on the 7th January* 1871, *and of the Governor-General on the* 16*th idem.*)

An Act to amend the procedure for the recovery of arrears of Land Revenue in respect of tenures not being estates.

Preamble.

WHEREAS it is expedient to amend the procedure for the recovery of arrears of land revenue in respect of tenures not being estates; It is enacted as follows:—

Construction of Act.

Act VII of 1868, passed by the Lieutenant-Governor of Bengal in Council, shall be read and construed as if in place of section 11 thereof the following section were inserted and substituted:—

[*See above, p.* 159.]

ACT No. III. OF 1871.

(*Received the assent of the Lieutenant-Governor on the* 13*th March* 1871, *and of the Governor-General on the* 18*th idem.*)

An Act to increase the fees for the survey of steam vessels.

Preamble.

WHEREAS the fees now by law chargeable in respect of the grant of surveyors' certificates of the sufficiency of steam boats are insufficient to provide for the remuneration of competent persons where two surveyors are employed in making such survey, and it is generally necessary to employ two surveyors; It is hereby enacted as follows:—

Increase of fees.

1. Whenever two surveyors shall be employed in making a survey under the provisions of Act V of 1862, or Act I of 1868, passed by the Lieutenant-Governor of Bengal in

Council, the owner or master of the steam vessel surveyed shall pay to each of the surveyors making the same a fee calculated on the tonnage of the vessel according to the rates in Schedule B to the said Act V of 1862 annexed, and such further fee as is provided in section 5 of Act I of 1868 passed by the Lieutenant-Governor of Bengal in Council.

Construction of Act.

2. This Act shall be read with and as part of the said Act V of 1862 and Act I of 1868.

THE POOREE LODGING HOUSE ACT, 1871.

CONTENTS.

PREAMBLE.

PART I.

PRELIMINARY.

SECTION.

1.—Interpretation Clause.

2.—Appointment and duties of Health Officer.

PART II.

LICENSE AND LODGING-HOUSE REGULATIONS.

3.—Power to Magistrate to grant license.

4.—Form of application for license.
Form of license.

5.—The Health Officer when to report upon lodging-house.

6.—Restrictions on the power of granting a license.

7.—Penalty on lodging-house keeper not taking out a license.

8.—Fee payable on issue of certificate of health-officer, and on grant of license.

9.—License to continue for a year.

10.—Power to inspect lodging-houses.
Inspection of apartments used by women.

11.—Power to exempt lodging-house from inspection.

12.—Keeper of lodging-house to produce his license.

13.—Keeper of lodging-house to report accidents, deaths, and sickness, and names of persons in their lodging-houses.

14.—Lodging-house keepers to exhibit number of houses.

15.—A short report to be kept of the inspection and examination of any lodging-house.

16.—Statement under this act to be true.

17.—Penalties.

18.—Person in charge of lodging-house to be responsible.

19.—Offences to be determined according to Code of Criminal Procedure.

20.—Power to revoke or suspend licenses.
21.—Power to reduce number of lodgers for which license is granted.
22.—Fees and fines levied under this Act to go towards the sanitary improvement of Pooree.
23.—Applications to be in writing.

PART III.

CONSERVANCY.

24.—Depositing dirt, etc., in highways and sewers.
25.—Permitting offensive matter to run into drains or upon highways.
26.—Notice to cut trees.
27.—Penalty on occupier of a house not removing filth.
28.—Keeping cattle near highways.
29.—Power to license public necessaries.
30.—Clearing drains, and cess-pools.
31.—Power to set apart tanks for domestic use.
Penalty for misuse of tank.
32.—Notice to drain and clear.
33.—Power to drain tanks, etc.
34.—Power to perform works of which notice given.

PART IV.

MISCELLANEOUS.

35.—Service of notices.
36.—Suits against Magistrate and officers.
37.—Power to make bye-laws.
Penalty for infringement of bye-laws.
38.—Bye-laws to be confirmed by Lieutenant-Governor.
39.—Provision for extending this act to Bhoobanessur and Jajipore.
40.—Short title.
TWO SCHEDULES.

ACT No. IV OF 1871.

(Received the assent of the Lieutenant-Governor on the 20th March 1871, and of the Governor-General on the 20th idem.)

An Act for the better sanitation of Pooree and other towns in Orissa, and regulation of Lodging-houses therein.

Preamble.

WHEREAS it is expedient to make provision for the licensing and regulation of pilgrims' lodging-houses at Pooree, and on the main lines of road leading to Pooree, and for the better sanitation of Pooree and other towns in Orissa; It is enacted as follows :—

PART I.

PRELIMINARY.

Interpretation.

1. The words and expressions following, shall, in this Act, have and bear the meanings and construction hereby assigned to them, unless there be something in the subject or context repugnant to such meaning or construction; that is to say:—

"Lodger."

The word "Lodger" shall mean an inmate liable to pay hire for accommodation in any house.

"Owner."

The word "Owner" shall mean the person entitled to the immediate possession of any house.

"Lodging-house."

The expression "Lodging-house" shall mean a house licensed under this Act for the reception of lodgers.

"Keeper of a lodging-house."

The expression "Keeper of a lodging-house" shall mean the person to whom a license for the reception of lodgers in any house under this Act shall be granted.

"The Magistrate."

The expression "The Magistrate" shall mean the Magistrate of the district of Pooree, or of any other district or part of a district to which this Act may be extended, or other officer in charge of the office of such Magistrate, or specially invested with power under this Act.

"The Health Officer."

The expression "The Health Officer" shall mean the person whom the Lieutenant-Governor of Bengal shall appoint under this Act.

Appointment and duties of Health Officer.

2. The Lieutenant-Governor of Bengal is hereby empowered to appoint a Health Officer to control and direct the sanitation and conservancy of the town of Pooree, and of the main lines of road leading thereto.

PART II.

LICENSE AND LODGING-HOUSE REGULATIONS.

Power to Magistrate to grant license.

3. From and after the passing of this Act, it shall be lawful for the Magistrate, upon the application of the owner of any house in the town of Pooree, to grant to such applicant a license for the reception of lodgers in his said house, if the Magistrate be satisfied that such house is fit to be used as a lodging-house.

Form of application for license.

4. The application for such license as in the preceding section is mentioned, shall be in writing, and shall be in the form set forth in schedule A of this Act, and shall be

subscribed and verified by the applicant at the foot or end thereof in the manner provided by law for the verification of plaints.

Form of license.

The license for the reception of lodgers to be granted by the Magistrate under this Act shall be in the form set forth in schedule B of this Act.

The Health Officer when to report upon any lodging-house.

5. The Health Officer shall, when required by the Magistrate or the owner of any house, certify to the Magistrate the sanitary state and condition of such house, and the nature and extent of the accommodation which such house is capable of affording to lodgers.

Restrictions on the power of granting a license.

6. No license for the reception of lodgers shall be granted under this Act by the Magistrate, unless the Health Officer shall certify in writing under his hand to the Magistrate that in his judgment the house, for the licensing of which for the reception of lodgers application shall have been made as aforesaid, is sufficiently ventilated, and has, within a reasonable distance from such house, a sufficient supply of water fit for human consumption, and also sufficient privy accommodation, and is otherwise fit for the reception of lodgers.

The said Health Officer shall also certify to the Magistrate the largest number of lodgers which such house can, having regard to the number of persons permanently residing therein, accommodate with safety to the health of such lodgers; and no license under this Act shall be granted by the Magistrate for the reception in any house of any number of lodgers in excess of the number of lodgers which the Health Officer shall have so certified as aforesaid to be the largest number which such house could accommodate with safety to the health of such lodgers.

Penalty on lodging-house keeper not taking out a license.

7. After the passing of this Act, every owner of any house in the town of Pooree not licensed as a lodging-house under this Act, who shall suffer or permit any lodger to be an inmate of such house, shall be punished by a fine not exceeding two rupees for every lodger for each night during any part of which such lodger shall be an inmate of such house.

Fee payable on issue of certificate of health officer, and on grant of license.

8. There shall be charged, upon every certificate of the Health Officer, issued upon an application therefor by the owner of any house, a fee of one rupee; and upon every license a fee, calculated at the rate of eight annas for each person, upon the entire number of lodgers mentioned in such license shall be payable.

9. Every license under this Act shall, unless revoked or suspended, continue and be in force for twelve calendar months from the day of its date.

License to continue for a year.

10. It shall be lawful for the Magistrate or the Health Officer, or for any other person whom the Magistrate shall by any writing thereunto authorize, at any reasonable time to enter into any lodging-house, and to inspect and examine the same and every part thereof, not being in the exclusive use and occupation of women, who, according to the custom and manners of the country, ought not to be compelled to appear in public;

Power to inspect lodging-house.

provided always that if, in the judgment of the Magistrate, such reason shall exist as to necessitate an entry into and inspection and examination of such apartments so exclusively used and occupied by such women as aforesaid, it shall be lawful for the Magistrate, upon reasonable notice of such his intention being affixed to the house in which such women are residing, to enter into and inspect and examine, or to authorize under his hand any other person to enter into and inspect and examine, such apartments of such women as aforesaid.

Inspection of apartments used by women.

11. It shall be lawful for the Magistrate to exempt from inspection the house or portion of a house occupied by any lodger, so long as they shall be occupied by such lodger, or until further order by the Magistrate.

Power to exempt lodging-house from inspection.

12. Every keeper of a lodging-house shall produce to the Magistrate, or any officer by the Magistrate authorized to demand the same, the license of such house, whenever he shall be thereunto required by the Magistrate or such officer.

Keeper of lodging-house to produce his license.

13. Every keeper of a lodging-house shall make a report, to the person in charge of the nearest police station, of each birth, death, or grave accident, or serious sickness which may occur in the lodging-house of which he is keeper, forthwith after such birth, death, or accident or sickness shall have occurred; and shall also, every day during such periods of the year as the Magistrate shall from time to time appoint, before noon, make a report in writing to the person in charge of such station, stating the number of persons who shall have been inmates of such lodging-house during the preceding night, and distinguishing in such list males from females and adults from children.

Keeper of lodging-houses to report accidents, deaths, and sickness, and the number of persons in their lodging-houses.

14. Every keeper of a lodging-house shall exhibit, and keep exhibited on a conspicuous portion of the front of such house, the number of the license of such house, and the number of lodgers which such person is licensed to accommodate, plainly and legibly set forth in Bengalee and Ooriah characters.

Lodging-house keepers to exhibit number of house.

15. Upon the inspection and examination of any lodging-house, the Magistrate or Health Officer or other person authorized as aforesaid to make such inspection and examination, shall record in a Register Book to be kept for that purpose, a succinct report of the result of such inspection and examination.

A short report to be kept of the inspection and examination of any lodging-house.

16. Every person who shall make any application, statement, or report, in pursuance of the provisions of this Act, shall be deemed to have been bound by express provision of law to state the truth therein.

Statement under this Act to be true.

17. Every keeper of a lodging-house in which there shall be, at any time, a number of inmates in excess of the aggregate number of inmates resident in such house at the date of the application for the license thereof, and of the number of lodgers mentioned in such license, or a number of lodgers in excess of the number of lodgers mentioned in such license,

Penalties.

or who shall suffer or permit any person, other than a member of his family or a servant in his actual employ, to be an inmate of his house after the revocation or during the suspension of his license,

or who shall refuse or neglect, without reasonable cause, within one hour after demand, to produce to the Magistrate or other officer as aforesaid the license for his said lodging-house when he shall be thereunto required,

or who shall omit, without like reasonable cause, to make such report as by section thirteen of this Act he is required to make, or to expose or keep exposed the number of his license and the number of lodgers he is licensed to accommodate as hereinbefore is required,

shall be liable to be punished by a fine not exceeding fifty rupees for every such offence.

18. Whenever the keeper of any lodging-house shall not be actually in charge thereof, then the person who shall be actually in charge thereof shall, as well as the keeper thereof, be liable to the penalties hereby provided for any infraction of the provisions of this Act.

Persons in charge of lodging-houses to be responsible.

19. All offences against this Act shall be heard and determined according to the provisions of *Chapter XVI and the provisions applicable to summons cases of the Code of Criminal Procedure.

Offences to be determined according to Code of Criminal Procedure.

20. It shall be lawful for the Magistrate to revoke or suspend any license granted under this Act to the keeper of any lodging-house who, after the grant of such license, shall have been convicted of any offence against the provisions of this Act, or whose house shall have been certified by the Health Officer to have become unfit or unsafe for occupation as a lodging-house.

Power to revoke or suspend licenses.

21. It shall be lawful for the Magistrate, when it shall be proved to him that any licensed lodging-house is unfit for the accommodation of the number of lodgers mentioned in the license, to reduce the number of lodgers mentioned in the license thereof to such number as may be able to obtain suitable accommodation in such house, and to enter in the license of such house such diminished number.

Power to reduce number of lodgers for which license is granted.

22. All fines and fees, paid or levied under this Act, shall be applied for and towards the sanitary improvement of the town wherein may be situate the house in respect of which such fees may have been paid, or wherein may have been committed the offence in respect of which such fines may have been levied or paid, or for or towards the sanitary improvement of the pilgrim halting places on the main roads to Pooree, in such manner as the Lieutenant-Governor of Bengal, may from time to time, by notification in the *Calcutta Gazette*, direct.

Fees and fines levied under this Act to go towards the sanitary improvement of Pooree.

23. All applications to the Magistrate or Health Officer under this Act shall be made in writing.

Applications to be in writing.

PART III.

CONSERVANCY.

24. Whoever deposits, or permits his servants to deposit, any dust, dirt, dung, ashes, or refuse, or filth of any kind, or any animal matter, or any broken glass or earth-ware, or other rubbish, in any public highway, except in such convenient spots, and in such manner, and at such hours, as shall be fixed by the Magistrate with the assent of the Health Officer, or throws, or puts, or permits his servants to throw or put, any such substance into any public sewer, or drain, or into any drain communicating therewith, shall be liable to a fine not exceeding ten rupees.

Depositing dirt, &c., in highways and sewers.

* Act No. X of 1872, section 2, para. 5, Schedule V.

Permitting offensive matter to run into drains or upon highways.

25. Whoever causes or allows the water of any sink or sewer, or any other offensive liquid matter belonging to him or being on his land, to run, drain, or be thrown or put upon any public highway, or causes or allows any offensive matter from any sewer or privy to run, drain, or be thrown into a surface drain in any such highway, shall be liable to a fine not exceeding ten rupees.

Notice to cut trees.

26. The Magistrate may give notice to the owner or to the occupier of any land to cut and trim any hedges or trees which overhang any public highway so as to obstruct the passage, or to interfere with the free circulation of air.

Penalty on occupier of a house not removing filth.

27. Whoever being the occupier of a house in or near any public highway, keeps or allows to be kept for more than twenty-four hours, otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth, or any noxious or offensive matter, in or upon such house, or in any out-house, yard, or ground attached to and occupied with such house, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse the same, shall be liable to a fine not exceeding fifty rupees.

Keeping cattle near highways.

28. Whoever being the owner or keeper of any cattle, sheep, or pigs, suffers the stall, pen, or place in which they are kept, in or near any public highway, to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom, shall be liable to a fine not exceeding twenty rupees, and to a fine not exceeding three rupees for every day after conviction for such offence during which the offence is continued.

Power to license public necessaries.

29. The Magistrate may license such necessaries for public accomodation as he from time to time may think proper; and whoever shall keep any public necessary without such license, or having a license for a public necessary, shall suffer the same to be in a filthy or noxious state, or shall neglect to employ proper means for cleansing the same, shall be liable to a fine not exceeding fifty rupees, and such license may be withdrawn.

Clearing drains and cess-pools.

30. Whoever being the owner or occupier of any private drain, privy, or cess-pool, shall neglect, or refuse, after warning from the Health Officer, to keep the same in a proper state, shall be liable to a fine not exceeding fifty rupees.

Power to set apart tanks for domestic use.

31. It shall be lawful for the Magistrate, with the assent of the Health Officer, to appropriate to the domestic use of the inhabitants of Pooree, or of any other towns to which this Act may be extended, any tank not being a private tank;

Penalty for misuse of tank.

and whoever shall bathe in any tank so appropriated to the domestic use of the inhabitants of the place,

or shall wash or cause to be washed therein any animal, or any wool, cloth, or wearing apparel, or any utensils for cooking or other purposes, or leather, or the skin of any animal, or any foul or offensive thing,

or shall put or cause to enter therein any animal, or any gravel, stone, dirt, or rubbish, or any dirt, filth, or other noxious thing,

or shall cause or suffer to run, drain, or be brought thereunto the water of any sink, sewer, drain, or any other unwholesome or offensive liquid,

or shall do anything whatsoever whereby the water in any such tank shall be in any degree fouled or corrupted,

shall be liable to a fine not exceeding fifty rupees.

Notice to drain and clear vegetation.

32. Whenever any lands or premises, being private property or within any private enclosure, appear to the Health Officer to be by reason of thick or noxious vegetation or want of drainage in a state injurious to health or offensive to the neighbourhood, it shall be lawful for the Magistrate to require, by notice in writing, the owner or occupier of the premises to clear and remove such vegetation, or drain such premises.

Power to drain tanks, &c.

33. The Magistrate may, from time to time, as he may see fit, drain off into any sewers, and cleanse and fill up or otherwise abate, any stagnant pool, ditch, tank, pond, or other receptacle of water which shall appear to the Health Officer to be useless or unnecessary, or likely to prove injurious to the health of the inhabitants, whether the same be or be not within any private enclosure, or be or be not the private property of any person.

Power to perform works of which notice is given.

34. In case any person to whom any notice, warning, or order under the provisions of sections twenty-six, thirty, or thirty-two shall be given, shall, without sufficient reason, for eight clear days after service upon him of such notice or order, neglect or refuse to comply therewith, or shall not proceed with due diligence in the completion of the works thereby required, it shall be lawful for the Magistrate to cause to be performed the works in or by such notice required to be performed, and for that purpose to enter into or upon, and to cause workmen and servants to enter into and upon lands belonging to, or in the occupation of such person, and to do all things needful or useful to the performance of such works, and the Magistrate shall make an order under his hand certifying the expense incurred in or about the performance of such works, and ordering the payment of such amount by the owner or by the occupier of the lands on which

such works may have been performed, and such amount may be recovered from the person named therein as if it had been a fine for an offence against any of the provisions of this Act.

The ten preceding sections of this Act are not in force in any Municipality under the Bengal Municipal Act, 1876. *See* section 2, para 1, of the latter Act.

PART IV.

MISCELLANEOUS.

Service of notices.

35. Every notice, warning, order or summons, under any of the preceding sections of this Act, may be served personally upon the person to whom the same is addressed, or may be served by leaving the same at his usual or last known place of abode with some adult male member or servant of his family, or, if it cannot be so served, may be served by being put up on some conspicuous part of such place of abode. If such notice, warning, order, or summons relates to any house, building, or land, and the place of abode of the person whom it is intended to affect by such notice, warning, order, or summons, is unknown, or is not within the town in which such house, building, or land is situate, the same shall be deemed to be duly served if put up in some conspicuous part of the house, building, or land to which the same relates.

Suits against Magistrate and officers.

36. No action shall be brought against the Magistrate, nor against the Health Officer, nor against any of his or their officers, nor against any person acting under his or their direction, for anything done or professing or purporting to be done under this Act, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Magistrate or at the place of abode of such person, explicitly stating the cause of action, and the name and place of abode of the intended plaintiff; and unless such notice be proved the Court shall find for the defendant, and every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards ; and if any person to whom any such notice of action is given shall, before action brought, tender sufficient amends to the plaintiff such plaintiff shall not recover.

Power to make bye-laws.

37. It shall be lawful for the Magistrate, with the assent of the Health Officer, and the Civil Surgeon of the District if he be not the Health Officer, to make bye-laws, and to repeal, alter, and amend the same, subject to the confirmation hereinafter mentioned,

for the management of all matters connected with the conservancy of the town of Pooree, or of any other town to which this Act may be extended,

and for regulating the encampments, lodging, and halting places of pilgrims on their journey to or from Pooree or such other town as aforesaid,

and for preventing the spread of epidemics amongst such pilgrims while at Pooree or such other town as aforesaid, or on the journey thereto or therefrom,

and to affix fines as penalties for the infringement of such bye-laws;

provided that no bye-law shall be repugnant to any law in force, and that no fine for any one infringement of a bye-law shall exceed twenty rupees, and that in case of a continuing infringement no fine shall exceed five rupees for every day after notice from the Magistrate of such infringement.

Penalty for infringement of bye-laws.

38. No bye-law or alteration of a bye-law shall have effect until the same shall have been approved and confirmed by the Lieutenant-Governor of Bengal, and shall have been published for such length of time and in such manner as the Lieutenant-Governor of Bengal shall order.

Bye-laws to be confirmed by Lieutenant-Governor.

39. It shall be lawful for the Lieutenant-Governor of Bengal, from time to time, by order published in the *Calcutta Gazette*, to extend the provisions of this Act or any part of it to Bhoobanessur and to Jajipore, or to any of the towns or villages in Orissa used as pilgrim stages, or to any villages in Orissa on the line of road habitually traversed by pilgrims, and this Act shall commence and take effect in Pooree upon the 1st day of June 1871, and in any other place to which it may be extended for such time as shall be in that behalf appointed in the order extending the same, or in any other order in like manner published.

Provision for extending this Act to Bhoobanessur or Jajipore.

40. This Act may be called "The Pooree Lodging-house Act, 1871."

Short title.

SCHEDULE A.

APPLICATION FOR LICENSE.

(See section 4.)

I, , the owner of house No. , in the town of , hereby request that a license may be granted to me, under the provisions of Act No. IV. of 1871, of the Council of the Lieutenant-Governor of Bengal for making laws and regulations, for the reception of lodgers in my said house.

1	2	3	4	5	6	7
Name of the street in which the house is situated, or other sufficient description of its locality.	Name of owner applying for license.	Whether sole owner of house or not.	Whether applicant has been previously convicted of any offence against the provisions of this Act, or not.	Number of lodgers applicant desires to obtain license for accommodating in his said house.	Number, description, and size of apartments in which applicant desires to accommodate lodgers.	Number of inmates now residing in applicant's said house.

I, , above-named, do declare that what is stated on the above application for a license is true to the best of my information and belief.

*(Signature)*_____

SCHEDULE B.

(See section 4.)

LICENSE.

A.B., , the owner of house No. , in the town of Pooree, is hereby licensed to receive lodgers in his said house in apartments thereof, subject to the provisions of Act No. IV of 1871, of the Council of the Lieutenant-Governor of Bengal, for making laws and regulations.

The registered number of this license, upon which a fee of Rs. has been paid, is No.

*(Signature)*_____

Magistrate of *District.*

THE HOOGHLY AND BURDWAN DRAINAGE ACT, 1871.

CONTENTS.

PREAMBLE.

PART I.

PRELIMINARY.

SECTION.

1.—Short title.

2.—Interpretation.

3.—Commencement of Act.

PART II.

Appointment of Commissioners and Conduct of Business.

4.—Lieutenant-Governor to appoint Commissioners.
5.—Lieutenant-Governor to appoint Chairman.
6.—Meetings of Commissioners and quorum.
7.—Emergent meetings.
8.—Presidency and adjournment of meetings.
9.—Transaction of business at meetings.

PART III.

Drainage Scheme.

10.—Scheme to be laid before Commissioners and published.
11.—Commissioners to consider the scheme submittted.
12.—Power to proceed with portion of scheme.
13.—Scheme approved by Commissioners to be laid before Lieutenant-Governor.
14.—Power to reconsider and modify scheme.
15.—Publication of modified schemes.
16.—Powers for acquisition of land.
17.—Lieutenant-Governor may order scheme to be carried out.
18.—Power to Lieutenant-Governor to modify scheme.

PART IV.

Expenditure and Apportionment.

19.—Report to be made and expenditure certified.
20.—Advances to be repaid.
21.—Apportionment of charge.
22.—Charge on improved lands not to exceed value of improvement.
23.—Commissioners to report apportionment.
24.—In default of Commissioners officers appointed by Lieutenant-Governor to make apportionment and report.
25.—Report to be published.
26.—Appeal against apportionment.
27.—Final determination of apportionment.
28.—Collector to serve notice of apportionment.
29.—Orders of Collector to be appealable.

PART V.

Recovery of Sums by Government.

30.—Sums to be a charge on improved land.
31.—Recovery of unrealized portion of charge on improved land.
32.—Power to repay advances.

PART VI.

RECOVERY BY PROPRIETORS FROM UNDERTENANTS.

33.—Proprietors to recover proportion of payment from subordinate tenants.
34.—Proportion of payment to be recovered by mesne tenants.

PART VII.

MISCELLANEOUS.

35.—Drainage-works to be subject to the laws relating to embankments.
36.—Site of works to be in trust for proprietors.
37.—Power to appoint servants.
38.—Cost of compensation to be deemed part of expense of construction.
39.—Cost of maintenance of works.
40.—Application of rights of fishery.
41.—Powers of Commissioners to cease after apportionment of charges.
42.—Powers for taking evidence.
43.—Power to determine proprietorship of lands.
44.—Determination of Commissioners as to proprietorship of lands to be final.
45.—Service of notices.
46.—Proceedings not to be invalidated by formal errors.
THREE SCHEDULES.

ACT No. V OF 1871.

(*Received the assent of the Lieutenant-Governor on the 20th March* 1871, *and of the Governor-General on the 10th May* 1871).

An Act to facilitate drainage in certain Districts of Bengal.

Preamble.

WHEREAS it is desirable that provision should be made for the better drainage and improvement of certain lands in the Districts of Hooghly and Burdwan, and whereas a certain scheme with plans and estimates for the drainage and improvement of such lands has been laid before the Lieutenant-Governor of Bengal, and it is desirable that power should be given for carrying into effect such scheme, or some modification thereof; It is enacted as follows :—

PART I.

PRELIMINARY.

Short Title.

1. This Act shall be called "The Hooghly and Burdwan Drainage Act."

Interpretation.

2. The following words shall, for the purposes of this Act, have the respective meanings hereby declared, unless a contrary intention appear from the context :—

"The Commissioners."

"The Commissioners" shall mean the Drainage Commissioners to be appointed under this Act.

"Proprietor of lands."

"Proprietor of lands" shall be taken to mean a person having a perpetual tenure or interest, at a fixed rate of revenue or rent, in such lands entitling him to the immediate occupation thereof, or to the receipt of rent from the ryots thereof, or from a tenant holding directly from him under a temporary lease.

Commencement of Act.

3. This Act shall take effect in the said Districts of Hooghly and Burdwan on such day as the said Lieutenant-Governor shall by any order published in the *Calcutta Gazette* provide for the commencement thereof.

PART II.

APPOINTMENT OF COMMISSIONERS AND CONDUCT OF BUSINESS.

Lieutenant Governor to appoint Commissioners.

4. The Lieutenant-Governor of Bengal may appoint, for such period as to him may seem fit, any number of persons not less than seven, of whom the majority in number shall be proprietors or part proprietors of lands to be affected by the works mentioned in the said scheme and plans, or their managers, to be Drainage Commissioners for carrying out this Act, and the said Lieutenant-Governor may, from time to time, remove any of such Drainage Commissioners, or may add to their number, and may appoint other persons in the place of any Commissioners dying, retiring, being removed, or ceasing to reside in such districts; provided that the majority in number of the Commissioners shall always be persons qualified as aforesaid.

Lieutenant Governor to appoint Chairman.

5. The Lieutenant-Governor shall, from time to time, appoint one of the persons so appointed Commissioners as aforesaid to be Chairman of the Commissioners.

Meetings of Commissioners and quorum.

6. The Commissioners shall meet for the transaction of business once at least in every quarter. Such meeting shall be held upon such day and at such hour as the Commissioners shall from time to time determine. At every meeting of the Commissioners five members shall constitute a quorum.

Emergent meetings.

7. The Chairman of the Commissioners may, whenever he thinks fit, and shall, upon request made in writing by three of the Commissioners, call an emergent meeting of the Commissioners.

Presidency and adjournment of meetings.

8. The Chairman shall preside at every meeting of the Commissioners. In the absence of the Chairman, the Commissioners present at any meeting may choose one of their number to preside. The President of any meeting at

which a quorum of the Commissioners shall be present, may, with the consent of the meeting, adjourn the meeting from time to time and from place to place.

Transaction of business at meetings.

9. If a poll be taken at any meeting of the Commissioners, the votes of the Commissioners present shall be taken by the President, and the determination supported by the greater number of votes given at such poll shall be deemed to be the determination of the Commissioners at such meeting. The President shall have a second or casting vote in all cases of equality of votes.

PART III.

Drainage Scheme.

Scheme to be laid before Commissioners and published.

10. Within one month after the Commissioners shall have been appointed, the said scheme, plans, and estimate, or some modification or alteration thereof, shall be laid before them, and the Commissioners shall forthwith cause a notification in the language of the district to be published in every village in which may be situate any portion of the lands to be affected by the works proposed in such scheme and plans. Every such notification shall be in the form in Schedule A, and may be published by posting the same in some conspicuous part of the village, and at the Court of the Moonsiff within whose jurisdiction, and at the thannah within whose limits, such village is situate.

Commissioners to consider the scheme submitted.

11. The Commissioners may, at some meeting to be held not less than fifteen days after some such notification shall have been published, proceed to ascertain what proprietors shall have assented to the adoption of the scheme, and in case the proprietors of not less than one moiety of the bheels and swamps to be drained shall have assented to such adoption, shall proceed to consider the said scheme, plans, and estimates, and all objections thereto; and may adopt the same, or alter and modify the same, and adopt the scheme, plans, and estimates so altered, or modified, or may disapprove or reject such scheme.

Power to proceed with portion of scheme.

12. In case the proprietors of one moiety of the bheels and swamps to be drained shall not assent to such scheme, but the proprietors of one moiety of the bheels or swamps to be affected by some portion of such scheme shall so assent, it shall be lawful for the Commissioners to re-submit such portion of the scheme to the Lieutenant-Governor, and with his approval, to proceed thereupon in manner aforesaid.

Scheme approved by Commissioners to be laid before the Lieutenant Governor.

13. In case the Commissioners shall adopt such scheme, plans, and estimates, or any modification or alteration thereof, they shall, within one month after such scheme, plans, and estimates, or some modification or alteration thereof, shall have been adopted by them, cause the same to be

laid before the Lieutenant-Governor of Bengal, and the said Lieutenant-Governor may sanction the scheme, plans, and estimates so adopted or any portion thereof as to him shall seem fit.

Power to re-consider and modify scheme.

14. The Commissioners may, with the previous assent of the Lieutenant-Governor, at any time re-consider any scheme, plans, or estimates adopted by them, and add to or alter or modify the same; and when such addition, modification, or alteration shall have been adopted by them, they shall cause the same to be laid before the Lieutenant-Governor of Bengal, and the said Lieutenant-Governor may sanction such addition, alteration, or modification, or any portion thereof as he may think fit, and thenceforth the provisions of this Act shall apply to such addition, modification, or alteration as if it had been portion of the original scheme, plans, or estimates; and every such modification or alteration, after it shall have been adopted, shall be published by the Commissioners as to them shall seem fit. No such modification or alteration shall be adopted at a meeting at which the majority of the members present are not qualified as in section four is mentioned.

Publication of modified schemes.

15. No modification or alteration under section eleven of any scheme, by which any lands other than those to be affected by some scheme theretofore published may be affected, shall be adopted by the Commissioners until the same shall have been published for not less than fifteen days, according to the provisions of section ten, in every village in which may be situated any portion of the lands to be affected by such modification, nor shall any such modification or alteration be adopted unless the proprietors of not less than one moiety of such lands shall assent thereto.

Powers for acquisition of land.

16. After the Lieutenant-Governor of Bengal shall have sanctioned any such scheme, plans, and estimates, or some portion thereof, it shall be lawful for him to take proceedings under the provisions of Act X of 1870, passed by the Governor-General of India in Council, or any other law for the time being in force for the acquisition of land for public purposes, in order to obtain any land likely to be needed for the works mentioned in such sanctioned scheme, plans, and estimates or portions thereof.

Lieutenant-Governor may order scheme to be carried out.

17. It shall be lawful for the said Lieutenant-Governor, if he thinks fit, to order the improvements specified in such sanctioned scheme, plans, and estimate, or portion thereof, to be made by an officer to be thereunto appointed by the said Lieutenant-Governor, and, subject to the sanction of the Governor-General of India in Council, to order the advance for the purpose from the

public funds of such sum of money as may be required for the purpose of making such improvements ; and it shall be lawful for such officer to cause the works specified in such scheme and plans to be performed, and for that purpose by himself, his agents, and workmen, to enter into or upon any lands, and to perform such works thereupon as may be required.

Power to Lieutenant-Governor to modify scheme.

18. It shall be lawful for the Lieutenant-Governor at any time after the said works shall have commenced, by an order to sanction any alteration or modification of such scheme or plan suggested to him by the officer in charge of the works. Provided it shall appear to him that by such modification or alteration the general character and scope of the work will not be altered, or greater expenditure will not be incurred thereon than would be incurred in the work as originally sanctioned, and after such sanction, such alteration or modification shall be taken to be a portion of the scheme adopted by the Commissioners in substitution for the portion of such scheme thereby altered, and every such modification or alteration shall be published by the Commissioners as to them shall seem fit.

PART IV.

Expenditure and Apportionment.

Reports to be made and expenditure certified.

19. The officer in charge of the works shall, until the same shall be finally completed, once in every three months make a detailed report to the Commissioners of the progress of the works and the expenditure thereupon from the day up to which the next preceding report shall have been brought down, and the Comptroller of Public Works Accounts to the Government of Bengal, or other officer authorised in that behalf by the Lieutenant-Governor of Bengal, shall from time to time certify the sums advanced from the public funds for such works, and the dates of the respective advances, and every such certificate shall be final and conclusive evidence of the sums therein stated to have been advanced, having been so advanced, and of the dates upon which they shall have respectively been so advanced.

Advances to be repaid.

20. The sums so advanced shall be repaid by the proprietors of the land improved with interest at the rate of five per cent. per annum from the time of the respective advances.

Apportionment of charge.

21. The Commissioners shall, within one month after the completion of the works shall have been certified to them by the officer in charge of the works, proceed to apportion the sums to be chargeable against each of the proprietors of any land reclaimed or improved, and such sums shall be determined by the Commis-

sioners with reference to the quantity of land in the possession of each which will be directly benefited by such improvements, and the benefit derived by such land.

Charge on improved lands not to exceed value of improvement.

22. The amount to be apportioned by the Commissioners against the proprietor of any lands which, before the commencement of the works were to some extent fit for cultivation, but were improved by the said works, shall not, in respect of such lands, exceed the amount of the increased value which in the opinion of the Commissioners shall have been conferred on such lands by such works.

Commissioners to report apportionment.

23. The Commissioners shall, so soon as conveniently may be, after having apportioned the sums to be chargeable against any lands, make and publish a report, and shall therein state the several lands which they shall have declared to be chargeable, the names of the respective proprietors thereof, and the sum to be chargeable in respect of each, distinguishing in such report the lands which shall have been before the commencement of such works wholly unfit for cultivation, from the lands which were then, to some extent, fit for cultivation but were improved by the said works.

In default of Commissioners officers appointed by Lieutenant-Governor to make apportionment and report.

24. If the Commissioners shall, for the space of twelve months after the completion of the entire works shall have been certified to them as aforesaid, or within six months after any report and apportionment shall have been returned to them for further consideration and revision under the provisions hereinafter contained, neglect or refuse to apportion the sums chargeable as aforesaid, or to make such report as hereinbefore is directed, the Lieutenant-Governor may appoint such officer or officers as to him shall seem meet to make or consider and revise such apportionment and report, and every such apportionment and report shall have the same force and effect as if the same had been made by the Commissioners.

Report to be published.

25. Whenever any apportionment and report shall have been made in pursuance of the provisions hereinfore contained, the Commissioners or person making such report shall cause such report to be published by affixing in every village in which may be any lands mentioned therein a copy of so much thereof as relates to such lands, and also a like copy at every moonsiff's court within whose jurisdiction, and every police thannah within whose limits, such village, or any part thereof, shall be situate.

Appeal against apportionment.

26. Any person who may deem himself to be aggrieved by any such apportionment may, within one month after such report shall have been published, appeal to the Commis-

sioner of the Division against such apportionment, and such Commissioner shall cause notice of the day fixed for the hearing of such appeal to be published by affixing such notice in a conspicuous place in every village, and in the court of every moonsiff within whose jurisdiction, and at every police thannah within the limits of which may be situate any of the lands mentioned in such report, and such Commissioner shall hear such appeal, and the objections thereto of all persons interested, and may affirm the same, or revise, vary, or alter such apportionment as to him shall seem fit, or may return the same to the Commissioners or officer making the report and apportionment for further consideration and revision; and every such apportionment and report when revised, varied, or altered, shall, so far as the same shall have been varied or altered, be published and be liable to appeal in like manner as the original report, and the decision of the Commissioner of the Division upon any appeal under this section shall be final and conclusive.

Final determination of apportionment.

27. Whenever the Commissioner of the Division shall affirm any report and apportionment, or whenever one month shall have elapsed from the publication of any report without any appeal therefrom having been preferred, the Commissioner of the Division shall pass an order declaring the proportion of sums chargeable against such lands to be finally determined, and shall cause such order to be published in such manner as to him shall seem fit.

Collector to serve notice of apportionment.

28. It shall be lawful for the Collector of the district to serve a notice in the form in Schedule B upon any proprietor of lands reclaimed or improved, the proportion of sums chargeable against which shall have been finally determined, and who shall not have paid such proportion; and in case such proportion shall not be paid, nor an engagement entered into within one month after the service of such notice, the Collector shall make an order in the form in Schedule C, and thereby require the person named therein to pay the amount so apportioned.

Orders of Collectors to be appealable.

29. Any order of the Collector with reference to the term of payment by instalments under the provisions of this Act shall be appealable to the Commissioner of the Division, if such appeal be preferred within thirty days from the date of such order.

PART V.

Recovery of Sums by Government.

Sums to be a charge on improved land.

30. Every sum to be payable by any person under any order or engagement under the provisions of this Act, if the same be not paid within one month from the day upon which the same is payable under such order or engagement, shall be recoverable from the proprietor of the land improved, with interest at the rate of five per

cent. per annum, by sale of such land under the provisions of section 11 of Act VII of 1868 passed by the Lieutenant-Governor of Bengal in Council, as if the same were an arrear of Government revenue payable in respect of such land, and in case the sale of such land shall not realize the amount payable by him, then as a demand recoverable as arrears of revenue.

Recovery of unrealized portion of charge on improved land.

31. In case any sum payable in respect of lands which had before the commencement of such works to any extent been fit for cultivation cannot be realized by the ways and means provided in section thirty, so much of such sum as shall not have been so realized shall be a charge upon the lands which had theretofore been wholly unfit for cultivation, and shall be levied from the proprietors thereof as if the same were included in an order passed under the provisions of section twenty-seven, and in such and the same proportions as the sums under the report aforesaid finally determined to be payable by each of such proprietors in respect of such lands bear to the entire sum charged in respect of such lands.

Power to repay advances.

32. It shall be lawful for any proprietor who shall have entered into an engagement for the repayment of any sum apportioned as aforesaid, at any time to repay to the Collector the entire amount of the principal sum which shall be then remaining due and interest thereupon up to the day of payment, and thenceforth the said agreement shall be terminated and all liabilities in respect thereof for principal or interest shall determine.

PART VI.

Recovery by Proprietors from Under Tenants.

Proprietors to recover proportion of payment from subordinate tenants.

33. Every proprietor of lands charged with any sum under the provisions aforesaid, may, after he shall have paid or entered into an engagement for the same, recover from any person, from time to time, holding immediately from him any temporary lease or other subordinate tenure benefited by the works in respect of which such payment may be secured or made, an annual sum calculated at the rate of ten per cent. per annum upon such portion of such payment as shall bear to the entire payment the same proportion as the area of the lands of such person benefited by such works bears to the area of the entire lands of such proprietor benefited by such works, such sum to be payable by equal instalments upon the days appointed for the payment of the rent of such tenure, and to be recoverable as if the same were an arrear of rent.

Provided that such proprietor shall not be entitled to recover under this section from any such person as aforesaid more than the entire amount of the

payment which such proprietor has made or engaged to make, with interest thereon at the rate of five per cent. per annum, and that the sum annually recoverable in any case shall not exceed the increase in the annual value of the particular lands benefited.

Proportion of payment to be recovered by mesne tenants.

34. Any person who shall have made any annual payment under the provisions of section thirty-three or of this section, may recover from any person from time to time holding immediately from him a temporary lease or other subordinate tenure of any portion of the lands benefited by the works in respect of which such payment shall have been made, such sum as shall bear to the entire payment so made the same proportion as the area of the entire lands in respect of which such payment shall have been calculated may bear to the area of the entire lands of such subordinate holder which shall have been benefited by such works.

Provided that the sum annually recoverable in any case under this section shall not exceed the increase in the annual value of the particular lands benefited.

PART VII.

MISCELLANEOUS.

Drainage works to be subject to the laws relating to embankments.

35. All outlets and water-channels, natural or artificial, which shall be altered, enlarged, excavated or cut under the provisions of this Act, and the construction and maintenance of embankments and of dams and works in the same, shall, save as hereinafter provided, be subject to the law for the time being in force regulating the construction and maintenance of public embankments and public rivers, channels, and outlets.

Site of works to be in trust for proprietors.

36. All lands which shall have been taken under the provisions of this Act for the purpose of the construction of works therein or thereon, shall be vested in the Collector of the district for the time being in trust for the proprietors of the land reclaimed or improved.

Power to appoint servants.

37. It shall be lawful for the Chairman of the Commissioners to appoint such servants and officers, save Engineers and their subordinates, as may be required for the purposes of this Act, and to dismiss them as to him shall seem fit, and to cause such servants and officers to be paid such salaries as may appear to the Commissioners to be proper.

Cost of compensation to be deemed part of expense of construction.

38. All amounts which shall be payable as a compensation for any lands taken under the powers of this Act, or damage inflicted under the exercise of such powers, or for the salaries of officers, servants, or establishments, or for surveys

or valuations, or for costs or charges incurred in carrying out the provisions of this Act, and all other sums in any way expended in carrying out the purposes of this Act, shall be deemed to be part of the expenses for the construction of the work, and all advances for the same, with interest after the rate aforesaid, shall be included in the apportionment of advances and recoverable in the manner hereinbefore provided.

Cost of maintenance of works.

39. The expense of keeping in efficient order and repair any improvements or works effected under this Act shall be paid by the proprietors of the lands, which shall have been benefited by such works and lands, to the Collector in the proportions of their original contributions, and all sums payable to the Collector under the provisions of this section shall be recoverable from the persons liable thereto as if the same were arrears of Government revenue and the same had been charged on such lands.

Application of rights of fishery.

40. In the case of any channel, drain, or outlet, the right of fishery of the same shall belong to the proprietor or proprietors of the lands drained by such channel, drain, or outlet, if they do not exceed two in number; but if the number of proprietors be greater, the right of fishery shall be let to the highest bidder by public auction, and the proceeds of such letting shall be paid to such proprietors in the proportion of their respective contributions.

Powers of Commissioners to cease after apportionment of charges.

41. When the apportionment of the repayment of the advances shall have been finally completed the powers of Commissioners shall cease.

Powers for taking evidence.

42. The Commissioners and the Commissioner of the Division shall have the powers conferred on courts by the Code of Civil Procedure for compelling the attendance of witnesses and the production of evidence in any enquiry or appeal which they or he may be empowered to make or entertain under the provisions of this Act.

Power to determine proprietorship of lands.

43. Whenever more person than one may claim or be alleged to be proprietors of any lands within the meaning of this Act, the Commissioners may, in a summary way, determine which of such persons is for the purposes of this Act to be deemed to be the proprietor of such lands, and shall determine to be proprietor of such lands any person who being the owner of a superior tenure or interest in such lands shall dispute the perpetual nature or the fixity of rent of any subordinate tenure therein held immediately from him, and shall pay the proportion of advances chargeable against such lands.

Determination of Commissioners as to proprietorship of lands to be final for the purposes of the Act only.

44. Whenever the Commissioners may determine any person to be proprietor of lands within the meaning of this Act, such determination, save so far as any personal liability may be imposed on any person by such determination, shall be for the purposes of this Act final and conclusive, but such determination shall not be evidence in any proceeding not being under this Act.

Service of notices.

45. All notices under this Act required to be served may be served by delivering the same to the person to be served, or by posting the same upon the door of his dwelling-house, and in case such person cannot be found, and his dwelling-house be not known, then by posting the same on some conspicuous part of the land to which such notice relates, and at the moonsiff's court within whose jurisdiction, and the police thannah within the limit of which such land is situated.

Proceedings not to be invalidated by formal errors.

46. No proceeding under this Act shall be defeated or invalidated by reason of any defect in the number or property of assenting proprietors, nor by any defect or omission in the publication of service of any notification, notice, or order; and every order and report of the Commissioners and of the Collector shall be conclusive evidence that all notifications and notices hereby reqired as preliminary thereto had been duly published and served, and that all other preliminaries thereunto had been duly performed, and save as is hereinbefore provided shall be final and conclusive.

SCHEDULE A.

(*See section* 10.)

HOOGHLY AND BURDWAN DRAINAGE ACT.

To all whom it may concern.

Take notice that it is proposed to cause to be drained bheels, swamps, and lands in the districts of Hooghly and Burdwan: a portion of the to be drained lies in the village of

Plans and provisional estimates of the works proposed are now lodged in and may be inspected by any person interested from to o'clock on every day and day till the day of next. All proprietors of bheels or swamps to be affected by this drainage who wish the same to be effected and are willing to bear their proportion of the cost thereof, which cost cannot at present be definitely ascertained, are requested to send to the Drainage Commissioners their assent in writing signifying therein, so far as possible,

the nature and extent of their interest in such bheels or swamps on or before the day of 18 , and any person having any objection to the execution of the said works may send in objections thereunto on or before the said day.

SCHEDULE B.

(*See section* 28.)

HOOGHLY AND BURDWAN DRAINAGE ACT.

To

Take notice that the Commissioners of Drainage of the Hooghly District having apportioned against you the sum of as your contribution in respect of the lands of , you are hereby required, within one month from the date of the service of this notice, to pay to me the said sum of Rs. together with interest at the rate of five per cent. per annum, or to enter into an engagement for the payment of the same by instalments extending over a period of not more than ten years.

Collector.

SCHEDULE C.

(*See section* 28.)

HOOGHLY AND BURDWAN DRAINAGE ACT.

Collectorate of

I, , Collector of Hooghly, do hereby order of within one month to pay to the Collector of the sum of Rs . with interest at the rate of five per cent. per annum from the day of 18 , till the date of payment, being the contribution of the said to the advances made in respect of the drainage works heretofore effected under this Act, in default whereof his said land may be sold. Any portion of such sum which may not be realized by the sale of such land will be realized from the said as an arrear of Government Revenue. day of 18

Collector.

ACT No. VII OF 1871.

(*Received the assent of the Lieutenant-Governor on the* 19*th April* 1871, *and of the Governor-General on the* 10*th May* 1871.)

An Act to amend the Calcutta Port Improvement Act, 1870.

Preamble.

WHEREAS it is expedient to increase the number of the Commissioners for making improvements in the Port of Calcutta, and to enable the Commissioners to compel ships to load or unload at their jetties as may be deemed by them most suited to the requirements of the Port; It is enacted as follows:—

Increase in number of Commissioners.

1. In the second section of the Calcutta Port Improvement Act, 1870, the words "persons in number not more than twelve nor less than nine" shall be substituted for the words "nine persons;" and the said section shall be read and construed as if the words hereby directed to be substituted therein had been inserted therein in the place and stead of the words for which they are hereby directed to be substituted.

Power to confine wharves either to landing or shipping goods.

2. In the sixty-second section of the said Act, the words "or for landing or for shipping," shall be inserted after the words "landing and shipping" wherever the same words occur in the said section; and the same section shall be read and construed as if the words hereby directed to be inserted therein had been originally therein inserted.

Power to require vessels to remove from wharves.

3. The Commissioners may, by notice in writing, order the master, owner, or agent of any vessel to remove such vessel from any wharf, quay, stage, jetty, or pier, belonging to the Commissioners; and unless such vessel shall be removed therefrom within thirty-six hours after service of such notice on the officer in charge of such vessel, or the master, owner, or agent thereof, it shall be lawful for the Commissioners to charge in respect of such vessel for the use by such vessel of such wharf, quay, stage, jetty, or pier, such sum not exceeding fifty rupees for each day of twenty-four hours or portion of such day after the expiry of such thirty-six hours during which such vessel shall remain at such wharf, quay, stage, jetty, or pier as to the Commissioners shall seem fit.

Construction.

4. This Act shall be construed with, and as part of, the said Calcutta Port Improvement Act, 1870.

ACT No. IX OF 1871.

(Received the assent of the Lieutenant-Governor on the 3rd June 1871, and of the Governor-General on the 17th idem.)

An Act for the construction of a Bridge across the river Hooghly between Howrah and Calcutta.

Preamble.

WHEREAS it is expedient that a bridge should be constructed across the river Hooghly between Howrah and Calcutta; It is enacted as follows:—

Interpretation.

1. The following words and expressions shall have the meanings hereby assigned to them, unless where a contrary intention shall appear from the context—

"Commissioners."

The word "Commissioners" shall mean the Commissioners for making improvements in the Port of Calcutta incorporated by Act V of 1870, passed by the Lieutenant-Governor of Bengal in Council.

"Magistrate."

"Magistrate" includes a Justice of the Peace for Calcutta, and any person exercising all or any of the powers of a Magistrate.

Power to make a bridge.

2. It shall be lawful for the Lieutenant-Governor of Bengal to cause a bridge to be constructed across the river Hooghly, between Calcutta and Howrah, at such place at or near Armenian Ghat as he may select, and also such ways and approaches to such bridge as he shall deem necessary, and to cause to be maintained such bridge and approaches.

Power to charge tolls.

3. The said Lieutenant-Governor shall form a scale of tolls, fees, and charges for the use of the said bridge, and may, from time to time, vary such scale; and such tolls, fees, and charges shall be leviable in respect of the several matters mentioned in the Schedule hereto annexed; provided always that such tolls, fees, and charges shall not exceed the respective rates mentioned in the said Schedule, and that it shall be lawful for the Lieutenant-Governor to exempt from payment of tolls all or any passengers or goods conveyed on the East Indian Railway, or all or any carriages or persons using the said bridge for the purpose of going to or returning from the station of the said Railway at Howrah.

Power to levy fees.

4. Towards meeting the charges incurred in the construction and maintenance of the said bridge and approaches, the Lieutenant-Governor of Bengal may levy, or cause

to be levied, from the date of the opening of the said bridge for traffic, the following fees on goods and passengers conveyed on the railway of the East Indian Railway Company into and from the station at Howrah, *viz*:—

on every maund of goods	...	...	2 pie.
on every passenger	...	...	3 „

Provided that the said Lieutenant-Governor may at any time lower the said fees, and may also exempt any goods or any passengers from payment of the said fees.

Appointment of person to collect tolls and take charge of bridge.

5. The said Lieutenant-Governor may appoint such person or persons as he shall think fit to collect tolls, fees, and charges under this Act, and also to take charge of the said bridge and to superintend the traffic thereon.

Lieutenant-Governor may make bye-laws.

6. It shall be lawful for the Lieutenant-Governor of Bengal, from time to time, to make bye-laws

for the guidance of persons employed by him under this Act;

for the safe and convenient use of the bridge to be constructed under the provisions of this Act, and approaches thereto;

for the passage of ships, boats, and vessels through the said bridge;

for the mode of payment and levy of the tolls, fees, and charges leviable under this Act;

or otherwise for carrying out the purposes of this Act;

and from time to time to vary, alter, or revoke any such bye-law so made by him.

Penalty for infringement of bye-law.

7. No penalty for any one infringement of a bye-law shall exceed one hundred rupees, nor in case of a continuing infringement shall any penalty exceed fifty rupees per diem, for every day after notice of such infringement shall have been given by or on behalf of the said Lieutenant-Governor to the person guilty of such infringement.

Bye-laws and tables of tolls to be exhibited.

8. The Lieutenant-Governor of Bengal shall cause the said bye-laws, and the tables of tolls, fees, and charges leviable, to be printed in the English, Hindustani, Hindi, and Bengali languages and characters, and to be hung up and kept hung up at the approaches to the said bridge.

Power to collect tolls through East Indian Railway Company.

9. It shall be lawful for the East Indian Railway Company and the said Lieutenant-Governor to make such arrangement or agreement for the collection of tolls, fees, and charges by the said Company in respect of persons,

animals, carriages, and goods crossing the said bridge to or from the station of the said Company at Howrah, or conveyed into or from the said station, as to the said Company and the said Lieutenant-Governor shall seem fit, and upon such agreement being made the said Company shall levy the said tolls, fees, and charges.

Power to apply public funds in construction of bridge.

10. It shall be lawful for the said Lieutenant-Governor to advance for the construction of the said bridge and approaches thereto such sums out of the public funds as from time to time may be in that behalf sanctioned by the Governor-General of India in Council. Interest a tthe rate of four-and-a-half per centum per annum shall be charged on such sums respectively on the 31st day of March and on the 30th day of September in each year, from the respective dates upon which such sums shall have been advanced up to the date of the opening of the said bridge for traffic; and all sums so charged for interest as aforesaid shall be deemed to be sums advanced within the meaning of this section.

Accounts to be kept of bridge.

11. The said Lieutenant-Governor shall cause such accounts as he shall think fit to be kept of all expenditure in or about the construction or maintenance of the said bridge and approaches, and the collection of such tolls, fees, or charges, or otherwise in relation to the said bridge, and the payment of interest which may from time to time be payable to the Secretary of State for India in Council, and also of the income derived from such tolls, fees, and charges, and shall from time to time apply the balance which shall remain of such income, after defraying thereout the current expenses incurred in relation to such bridge, and interest as aforesaid, in repaying to the Secretary of State for India in Council all sums which shall have been advanced from the public funds for the construction of the said bridge and approaches.

Power to nominate Commissioners.

12. It shall be lawful for the said Lieutenant-Governor of Bengal at any time after the commencement of this Act, if he thinks fit, with the assent of the Commissioners at a meeting, by order published in the *Calcutta Gazette*, to appoint the said Commissioners to carry out the purposes of this Act.

Commissioners to have powers and duties of the Lieutenant-Governor.

13. When, and so soon as, the Commissioners shall be so appointed, the Commissioners, subject, however, to the provisions hereinafter in that behalf contained, shall and may have and exercise all the powers and authorities, and shall perform all the duties in and by sections five to eight (both inclusive) of this Act or any of them, or in and by section ten conferred or imposed on the said Lieutenant-Governor.

And all property procured for the construction of the said bridge and the approaches thereof, and the said bridge and approaches, and the tolls, fees, and charges thereof, and the right to enforce all contracts respecting the same, shall become vested in the Commissioners.

Property to vest in the Commissioners.

14. All property vested in, or acquired by, the Commissioners under or by virtue of this Act, and all moneys payable to them under or by virtue of this Act, shall be held in trust for the payment of all sums which, from time to time, shall be payable to the Secretary of State for India in Council for moneys advanced or applied, or to be advanced or applied by or on behalf of the said Secretary of State for India in Council for the construction of a bridge across the river Hooghly between Howrah and Calcutta, or otherwise under the provisions of this Act, and subject thereto upon trust for the purposes of this Act, and not otherwise.

Property of Commissioners to be applied for purposes of this Act.

And nothing in this Act contained shall be construed so as to render the said Commissioners liable to make good any moneys payable by them under the provisions of this Act, or otherwise in relation to the said bridge, except out of property and moneys held by them in trust as aforesaid.

Indemnity to Commissioners.

15. The aggregate sum which may, under the provisions of section ten of this Act, become payable from the Commissioners to the said Secretary of State shall be by them re-paid to him in thirty equal annual instalments, the first of such instalments to be paid on the 1st day of April which shall be next after the completion of twelve calendar months from the date of the opening of the said bridge for traffic, and the other instalments to be paid respectively on the 1st day of April in every year, computing from the day fixed for the payment of the first of such instalments.

Repayment of principal sums due.

16. Interest at the rate of four-and-a-half per cent. per annum shall be paid by the Commissioners to the said Secretary of State upon the aggregate amount which, for the time being, may be payable to him from them upon the 31st day of March and the 30th day of September in each year, the first of such payments of interest to be calculated from the date of the opening of the said bridge for traffic and to be made on the 31st day of March or the 30th day of September, whichever may first happen next after the opening of the said bridge for traffic.

Payment of interest.

17. Notwithstanding the provisions of section fourteen, it shall be lawful for the Commissioners, if they think fit, out of any moneys which may come to their hands under the

Power to re-pay before due date.

provisions of this Act, to re-pay to the said Secretary of State in Council any sum or part thereof which, for the time being, may remain payable to him under the provisions of this Act for principal, although the time fixed by the said section for the re-payment of the same shall not have arrived. Provided always that no such re-payment shall be made of any sum less than five thousand rupees, nor of any sum not being a multiple of five thousand rupees, and from and after any such re-payment no further sum as interest shall be payable to the said Secretary of State in Council in respect of the sum which shall have been so re-paid.

Application of surplus income.

18. Whenever the half-yearly accounts to be laid before the Lieutenant-Governor of Bengal under the provisions of this Act shall show a surplus of income over expenditure, such surplus, or so much thereof as the said Commissioners shall think fit, may be invested by the Commissioners in the purchase in their corporate name of Government securities, and the interest thereof may be accumulated and invested in like manner, with power to the Commissioners at any time to dispose of any such securities, and to apply the proceeds and interest thereof, with the sanction of the Lieutenant-Governor, in or towards any of the purposes of this Act. The said Government securities shall be held by the said Commissioners in trust for the purposes of this Act and not otherwise.

An estimate of income and expenditure to be submitted annually to the Commissioners.

19. The salaried Chairman or salaried Vice-Chairman of the Commissioners shall, at a meeting to be held within two months after the Commissioners shall have been appointed, lay before the Commissioners a separate estimate of the expenditure and income under this Act of the Commissioners for the period which shall be to come from the date of their appointment up to the 1st day of April then next ensuing; and shall also, at a meeting to be the held in the month of February in each year, lay before the Commissioners a like estimate of such income and expenditure for the year commencing on the 1st day of April then next ensuing.

Form of estimate.

Every such estimate shall be in such form as the Lieutenant-Governor of Bengal shall, by an order published in the *Calcutta Gazette*, direct. Provided always that such estimate shall be completed and printed, and a copy thereof sent by post or otherwise to each Commissioner, at least ten clear days prior to the meeting before which the estimate is to be laid.

Revision and passing of estimate.

20. It shall be in the discretion of the Commissioners at such meeting by resolution to pass or to reject, or to modify or alter such estimate, and pass such estimate so modified or altered.

21. Every such estimate, when passed by the Commissioners in pursuance of the provisions of this Act, shall be submitted to the Lieutenant-Governor of Bengal, and it shall be lawful for such Lieutenant-Governor either to approve of such estimate or to return the same with his remarks thereupon, and the Commissioners shall forthwith at a meeting proceed to re-consider such estimate in reference to such remarks, and to modify or alter the same, and to re-submit such estimates to the said Lieutenant-Governor, and it shall not be lawful for the Commissioners to expend any greater sum under such estimate than shall be approved by the said Lieutenant-Governor.

Estimate to be approved by the Lieutenant-Governor.

22. After the re-payment of all sums advanced under the provisions of section ten of this Act, whenever an estimate is submitted or re-submitted pursuant to the next preceding section, if the Government securities then held by the Commissioners shall have been declared by them at a meeting, and shall be considered by the Lieutenant-Governor to form a sufficient reserve fund for the purposes of this Act, then the said Lieutenant-Governor shall so regulate the scale of fees, tolls, and charges in relation to the said bridge as that the probable income derivable therefrom shall be no more than is sufficient to defray the expenditure set forth in the said estimate.

Tolls to be reduced on accumulation of sufficient reserve fund.

23. It shall be lawful for the Commissioners, in the course of any year for which an estimate shall have been approved by the Lieutenant-Governor, to cause a supplemental estimate for the residue of such year to be prepared and laid before the Commissioners at a meeting, and thereupon such proceedings shall be had as in and by sections nineteen, twenty, and twenty-one are directed to be had with respect to the estimate therein mentioned.

Power to make supplemental estimate.

24. No bye-law or alteration or revocation of a bye-law made by the Commissioners, shall have effect until the same shall have been approved by the Lieutenant-Governor of Bengal by an order published in the *Calcutta Gazette*, and no bye-law made by the Commissioners shall be approved by the said Lieutenant-Governor until it shall have been published for three weeks successively in the *Calcutta Gazette;* and when such bye-law shall have been so approved, all courts of law shall take judicial notice thereof.

Approval of bye-laws.

25. It shall be lawful for the Lieutenant-Governor of Bengal, by an order published in the *Calcutta Gazette*, to revoke, annul, and make void any bye-law made by the Commissioners.

Lieutenant-Governor may revoke and annul bye-laws.

Certain provisions of Act V of 1870 extended.

26. When and so soon as the Commissioners shall be so appointed as aforesaid, all the provisions contained in sections 17, 18, 19, 21, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 52, 53, 76, 79, 80, 88, 89, 90, and 91 of the said Act V of 1870, passed by the Lieutenant-Governor of Bengal in Council, shall apply to this Act as if the said sections were re-enacted herein; and this Act and the said sections of the said Act shall, for the purpose of the construction of this Act, be read and construed together.

Limitation of suits.

27. No suit or other proceeding shall be commenced or prosecuted against any person for anything done or professing or purporting to be done in pursuance of this Act without giving to such person a month's previous notice of the intended proceeding and of the cause thereof, nor after tender of sufficient amends, nor after the expiration of three months from the accrual of the cause of suit or other proceeding.

No compensation for obstruction to be payable.

28. No person shall be entitled to any compensation for any loss or injury which he may sustain by reason of any obstruction to the navigation of the said river which may be caused by the said bridge, or by anything done in the construction thereof.

Penalty on evasion of toll.

29. Any person who shall wilfully evade, or attempt to evade, payment of any toll, fee, or charge payable under this Act, shall be liable to a fine which may extend to fifty rupees or to imprisonment, simple or rigorous, which may extend to fourteen days, or to both.

Power to arrest.

30. Any person committing any offence against the provisions of the last section may be arrested by any officer to be by the Lieutenant-Governor, the Commissioners, or the said Railway Company, thereunto appointed, and by such officer or any person by him thereunto authorized, or by any officer of police, and forthwith conveyed before some Magistrate having jurisdiction in the place in which such offence shall have been committed, or to the nearest police station within the said jurisdiction.

Summary jurisdiction.

31. Whenever such person shall be brought before a Magistrate, such Magistrate may forthwith hear and determine the charge of such offence.

Offender to be forthwith brought to trial.

32. Whenever such person shall be taken to a police station, the officer in charge of such station shall, as soon as conveniently may be, cause him to be conveyed before some Magistrate having jurisdiction in the matter.

Short title.

33. This Act may be called "The Howrah Bridge Act, 1871."

SCHEDULE.

(*See section* 3.)

Maximum amount of tolls, fees, and charges.

	Rs.	As.	P.
For every foot passenger with or without load ...	0	0	3
For every horse	0	1	0
For every pony, mule, or ass	0	0	6
For every buffalo	0	1	0
For every cow, ox, or bull	0	0	6
For every calf, sheep, goat, or pig	0	0	3
Or per score	0	3	0
For every two-wheeled vehicle without springs	0	1	0
Ditto ditto carrying goods or animals or passengers ...	0	3	0
For every two-wheeled vehicle with springs	0	2	0
For every four-wheeled vehicle without springs	0	2	0
Ditto ditto carrying goods or animals or passengers ...	0	4	0
For every four-wheeled vehicle with springs other than a 2nd or 3rd class hackney carriage	0	4	0
For every maund of goods conveyed over the bridge on a tramway or railway	0	0	4
For every empty truck using a tramway or railway ...	0	4	0
For every Locomotive Steam Engine	1	0	0

Animals drawing any of the above vehicles to be charged in addition to the charge on the vehicle.

For every second class hackney carriage	0	1	0
Ditto ditto carrying goods or passengers	0	3	0
For every third class hackney carriage	0	1	0
Ditto ditto carrying goods or passengers	0	2	0
For every palankeen and bearers	0	2	0

THE DISTRICT ROAD CESS ACT, 1871.

CONTENTS.

PREAMBLE.

PART I.

PRELIMINARY.

SECTION.

1.—Title, extent, and commencement of Act.

2.—Power to fix cess.

3.—Interpretation clause.

4.—All immoveable property to be liable to a road cess.

PART II.

Road Cess on Land.

Valuation.

5.—Proclamation to make return of lands to be issued.
Publication of proclamation.
6.—Notice to return lands.
Penalty in case of omission or refusal.
Extension of time for return.
7.—No rent to be recovered till return is made.
8.—Valuation of small estates and tenures.
Value of land comprised in subordinate tenure.
Holder of estate or subordinate tenure may lodge return.
Or Collector may serve notice.
9.—Return of plantations, etc.
10.—Fines to be levied by order having force of decree of Civil Court.
Or Collector may recover them out of rent.
11.—If returns not furnished, Collector to make valuation.
12.—If return of certain lands is untrue, Collector to make valuation.
13.—Person returned as cultivating ryot may be served with notice.
If no return made, Collector may ascertain annual value of lands.
14.—False returns.
15.—Power of Collector in making valuation.
16.—Valuation rolls to be prepared.
17.—Publication of such rolls.
18.—Appeals against valuation.
19.—Order for levy of fine appealable.

Assessment and Payment.

20.—Maximum rate.
21.—Mode of payment of road cess by zemindar.
By holder of tenure.
By cultivating ryot.
22.—Time of payment of road cess by zemindars.
23.—Procedure if road cess not paid.
Recovery by Collector.
Collector's claim to have priority.
24.—Times of payment from subordinate tenures.
25.—Recovery by holders of estates or tenures.
26.—Payment for certain lands for which no rent is paid.
Road cess in respect of such lands by whom payable.
27.—Remuneration for collecting road cess for certain lands for which no rent is paid.

PART III.

Road Cess on Mines, Railways, etc.

28.—Maximum rates on railways, etc.
Exemption of Government railways and tramways.
29.—Notice to return profits.
Extension of time for making return.
30.—When property lies in different districts.
31.—When property is partly in, and partly beyond, the limits of Bengal.
32.—If return not furnished or incorrect, Collector to make valuation.
33.—Notice of valuation.
Appeal.
34.—Annual net profits.
35.—Determination of proportion of profits when property in different districts.
36.—Notice of road cess and time of payment thereof.
Deduction by occupier or owner who has paid in excess.
Recovery of instalment.
37.—How distributed when property in different districts.

PART IV.

Road Cess on Houses.

Mode of Assessment and Levy thereof.

38.—Houses liable to road cess.
39.—Rate payable by occupiers.
40.—Certain houses exempt.
41.—Valuation.
Collector to send notices to assessors and punchayets.
Punchayet and assessors to deliver valuation roll to Collector.
42 —Collector may value in certain cases.
43.—Publication of valuation.
44.—Revision of valuation.
45.—Levy of road cess where punchayets exist.
46.—Road cess on houses in other places how to be paid.
47.—How to be levied.
48.—Sums to be transmitted when recovered.

PART V.

Local Committees.

Constitution of District Committees.

49.—Constitution of District Committee.
50.—Removal of members.
51.—Appointment of ex-officio members.
52.—Number of ex-officio members.

Their Mode of transacting Business.

53.—Chairman and Vice-chairman of Committee.
54.—Committee to have an office.

55.—Chairman at meetings.
56.—Special meeting.
57.—Notice of meetings.
58.—Quorum.
59.—Adjourned meeting.
60.—Voting; casting vote.
61.—Minute book to be kept.
62.—Correspondence between Committee and local Government.
63.—Election of a Vice-chairman.
64.—Appointment of officers by Committee.
Aggregate amount of officer's salaries limited.
65.—Penalty on members and officers being concerned in contracts.
Exception.
66.—Statement of roads to be prepared.
67.—Statement to be forwarded to Commissioner.
68.—Supplemental statement.
69.—Collector to submit annual statement to Committee.
70.—Annual estimate to be prepared.
Mode of preparation.
71.—Commissioner may revise estimate.
72.—Limit of estimate.
73.—Supplemental estimate.
74.—Calculation of annual road cess.
75.—Proclamation and publication of cesses.

Branch Committees.

76.—Branch Committees.
Sections which apply to them.
77.—Branch Committees' statements.
78.—Funds of the branch Committee.
79.—Powers of the branch Committee.
80.—Estimate.
81.—Limit of estimate.

PART VI.

DISTRICT ROAD FUND.

82.—Constitution of District Road Fund.
83.—Road cess not under this Act.
84.—Collector to prepare annual statement of the District Road Fund.
85.—Payments on account of the District Road Fund.
86.—Collectors' monthly account.
87.—Accounts of Committee.
88.—Annual account current and examination thereof.
89.—Annual report to be submitted to Commissioner.
90.—Application of the District Road Fund.

PART VII.

GENERAL PROVISIONS.

91.—General valuation to be in force for five years.
92.—Powers after five years to make new valuation.
93.—New valuation under Part III.
Declaration of annual net profits by owners, etc, under section 29.
Effect of acceptance by Collector of declaration.
94.—Evidence.
95.—Service of notice.
96.—Cost of service.
97.—Lieutenant-Governor empowered to prescribe forms and rules.
FIVE SCHEDULES.

ACT No. X OF 1871.

(*Received the assent of the Lieutenant-Governor on the* 19*th July* 1871, *and of the Governor-General on the* 12*th August* 1871.)

An Act to provide for local rating for the construction and maintenance of roads and other means of communication.

Preamble.

WHEREAS it is expedient to make provision for the construction and maintenance of roads and other means of communication within the territories of the Lieutenant-Governor of Bengal, and for that purpose to authorize the levy of a district road cess on immoveable property situated therein, and also to constitute local committees for the assessment of the same, and for the management of the proceeds thereof; It is hereby enacted as follows :—

PART I.

PRELIMINARY.

Title and extent of Act.

1. This Act may be called "The District Road Cess Act, 1871." It may extend to all the territories subject to the Lieutenant-Governor of Bengal which are not included within the limits of the town of Calcutta, or of any place or town to which the provisions of the * "District Municipal Improvement Act, or the * District Towns Act, 1868," respectively, passed by the Lieutenant-Governor of Bengal, shall have been extended.

Commencement.

And it shall commence and take effect in any district or districts situated in the said territories to which the said Lieutenant-Governor shall extend it by any order published in the

---

* Bengal Act V of 1876, section 2, para 4, and section 3, para. 1

Calcutta Gazette, and thereupon this Act shall commence and take effect in such district or districts on the day which shall be in such order provided for the commencement thereof.

The Act has been extended to the districts of Jessore, Nuddea, Dacca, Fuureedpore, Hooghly, including Howrah, Burdwan, Bhaugulpore, Monghyr, Moorshedabad, Rajshahye, Pooree, Cuttack, Balasore, Tipperah, Hazareebagh—*Calcutta Gazette,* 1871, p. 1565; to the district of the 24-Pergunnahs, *ibid.*, p. 1671; to the district of Purneah, *ibid.*, January to June 1872, p. 2898; to the district of Maunbhoom, *ibid.*, pp. 2342, 2358; to the district of Mymensing, *ibid.*, July to December 1872, p. 137; to the district of Bancoorah and Beerbhoom, *ibid.*, 1873, p. 1034; to the districts of Backergunge, Noakholly, Chittagong, Patna, Gya, Shahabad, Tirhoot, Sarun, Chumparun, Julpigoree, Lohardugga, *ibid.*, 1874, p. 1556; to the districts of Midnapore, Dinagepore, Maldah, Rungpore, Bogra, Pubnah, *ibid.*, p. 1086; to the district of Darjeeling, *ibid.*, 1876, p. 1121.

The powers of the local Government under this section and sections 2, 35, 41, 49, 50. 51, 62, 70, 75, 76, 78, 79, 83, and 97 of this Act have been delegated to the Chief Commissioner of Assam, for the purpose of being exercised within his Commissionership—*Gazette of India,* 1875, p 157.

The Act has been extended by the Assam Government to Goalpara, with the exception of the Eastern Dooars—*Assam Gazette,* 1875, p. 313.

Power to fix cess year.

2. The Lieutenant-Governor shall, by an order published in the *Calcutta Gazette,* fix the date from which all the cesses leviable under this Act in any district shall take effect therein, and the cess year in such district shall run from that date.

Interpretation clause.

3. In this Act the words in this section mentioned shall have the meanings therein attributed to them respectively, except where from the context a contrary intention appears:

"House"

"House" includes any shop or warehouse or place of business or factory, or other building or buildings within the same enclosure.

"Land."

"Land" means land which is cultivated, uncultivated, or covered with water.

"Estate" means—

"Estate."

(1) any land or share in land subject to the payment to Government of an annual sum in respect of which the name of a proprietor is entered on the register known as the General Register of all revenue-paying estates, or in respect of which a separate account may, in pursuance of section 10 or section 11 of Act XI of 1859, have been open;

(2) any land or share in land entered in the register of revenue-free tenures;

(3) any land, the revenue or rent of which may be payable directly to the Collector or any person specially appointed by him to collect the same;

(4) any land acquired under any rules issued by or under authority of Government for the sale, grant, or clearance of waste lands.

"Tenure."

"Tenure" includes every interest in land, whether rent-paying or not, save an estate as above defined, and save the interest of a cultivating ryot.

BENGAL SECRETARIAT LIBRARY

"Collector." "Collector" includes any person vested with the powers of a Collector.

"District." "District" means the portion of territory throughout which any person vested with the powers of a Collector is authorized to exercise such powers.

"Immoveable property." "Immoveable property" includes lands, houses, and all benefits to arise out of land and things attached to the earth or permanently fastened to any thing which is attached to the earth; but does not include crops of a kind.

"Holder of an estate or tenure." "Holder of an estate or tenure" means all or any of the holders thereof; and where two or more persons are jointly holders thereof, they shall be jointly and severally liable under this Act.

"Cultivating ryot." "Cultivating ryot" means a person cultivating land and paying rent therefor not exceeding one hundred rupees per annum.

"Annual value of land." "Annual value of land" means the total rent which is paid, or if no rent is actually paid, would be reasonably expected to be payable during the year by all the cultivating ryots thereof, or by other person in actual use and occupation thereof.

All immoveable property to be liable to a road cess.

4. From and after the commencement of this Act in any district within the said territories subject to the Lieutenant-Governor of Bengal, all immoveable property situated therein shall be liable to the payment of a district road cess, to be applied to the construction and maintenance of roads and other means of communication within the said district, and to be assessed thereto by the District Committee in manner as hereinafter is provided, and such road cess shall be recoverable from the several owners and occupiers of such property in the proportions and in the manner as are hereinafter provided.

PART II.

Road Cess on Land.

Valuation.

Proclamation to make return of lands to be issued.

5. Upon the commencement of this Act in any district, the Collector shall cause a proclamation to be issued, requiring every holder of any estate or tenure of which the annual Government revenue or rent shall exceed one hundred rupees, severally, to lodge at the Collector's office within one month a return of all lands comprised in his estate or tenure in the form in Schedule A hereto annexed, and containing the particulars in such form set forth.

The Collector shall cause such proclamation to be published by affixing a copy thereof in some conspicuous place in the office of such Collector, in every civil Court, in every police station, and in the office of every sub-divisional officer within the district.

Publication of proclamation.

6. The Collector shall, so soon as may be after the publication of such proclamation, cause a notice to be served in the form in Schedule A for every such estate, and also a notice for every such tenure which may have been named in any return lodged in pursuance of the provisions of this Act, or may have been entered in any register in the Collector's office;

Notice to return lands.

and all holders of such estates and of such tenures who shall, without sufficient cause being shown to the satisfaction of the Collector, refuse or omit, for the space of three months after service of such notice, to lodge in the office of the Collector such return as hereinbefore mentioned, shall be severally liable to a fine which may extend to fifty rupees for every day after the expiration of such three months until such return shall be furnished, or until the value of the lands comprised in their respective estates and tenures shall have been ascertained and fixed by the Collector as hereinafter is provided.

Penalty in case of omission or refusal.

It shall be lawful for the Collector, upon sufficient grounds for so doing being proved to his satisfaction, from time to time, to extend the period for lodging any such return.

Extension of time for return.

7. From and after the expiry of three months from the service of any such notice, or any extension of such time under the provisions of the section next preceding, every holder of an estate or tenure in respect of which such notice shall have been served, shall be precluded from suing for, or recovering, any rent in respect of any land or tenure which shall be proved not to have been included in the return lodged by him, or in respect of which no return shall have been lodged as aforesaid or valuation made by the Collector, and from recovering rent for tenures subsequently created or in excess of the sum mentioned in such return without proof of the creation of such tenure or enhancement subsequent to such lodgment.

No rent to be recovered till return is made.

8. Whenever the revenue annually payable in respect of any estate, or the rent annually payable in respect of any tenure, shall not exceed the sum of one hundred rupees, the Collector may, without issuing any notice for such estate or tenure, determine the annual value of the land comprised therein to be in a permanently-settled estate or tenure, a sum not exceeding three times, and in a temporarily-settled estate or tenure a sum not exceeding twice the amount

Valuation of small estates and tenures.

of the annual revenue or rent payable therefor; and when the acreage thereof has been ascertained, to be at such rate per acre as to him may seem fit.

Value of land comprised in subordinate tenure.

When the land comprised in any estate or tenure has been valued by the Collector under this section, the annual value of any portion of such land which is comprised within a subordinate tenure shall be taken to be a sum equal to the rent thereof increased by half the same multiple or fraction of such rent as that by which the annual value of the whole of such land determined as aforesaid exceeds the revenue or rent payable for the same; or shall be at the same rate per acre as the whole of such land.

Holder of estate or subordinate tenure may lodge return.

Provided that the holder of any such estate or tenure may, within one month from the posting of the valuation roll in respect thereof under section seventeen, and the holder of such subordinate tenure may, within one month from the date of the first demand made on him for payment of road cess, lodge a return in the form in Schedule A contained in regard to such estate or tenure or subordinate tenure, and, thereupon, the annual value of the land comprised therein shall be fixed at the amount entered in such return subject to the provisions of sections twelve and fourteen.

Or Collector may serve notice.

Or the Collector may, if he thinks fit, cause a notice to be served in respect of any such estate or tenure in form in Schedule A contained; and thereupon all the provisions of this Part shall apply in the same way as they would have applied if the annual Government revenue or rent thereof had exceeded one hundred rupees.

Return of plantations, &c.

9. Whenever any lands have been acquired under any rules issued by or under the authority of the Government for the sale, grant, or clearance of waste lands, or are held directly from Government, and are used for the cultivation of tea, coffee, or cinchona, the Collector shall, in lieu of the notice to be served under section six, but at the time, in the manner and under the penalties therein prescribed, cause a notice to be served calling on the holder of such lands to lodge a return in the form in Schedule B hereto annexed, and containing the particulars in such form set forth, and the annual value of such lands shall be fixed at ten rupees in respect of every acre therein entered as cultivated.

Fines to be levied by order having force of decree of Civil Court.

10. Fines under section six of this Act, and all costs of recovery thereof, may be levied by an order in writing of the Collector, and such order shall have the force of a decree of a Civil Court in a suit in which Government is the plaintiff and the person liable to pay is the defendant; and such order may be enforced by attachment and sale of moveable property in manner provided by

the *Code of Civil Procedure for the enforcement of decrees for money; and the procedure under the said Code in respect of the following matters, that is to say, sales in execution of decrees, claims to attached property, and execution of decrees out of the jurisdiction of the Courts by which they were passed, shall apply to every execution issued for levying the moneys mentioned in such order, save that all the powers and duties conferred and imposed by the said Court upon the Court shall be executed by the Collector by whom such order has been made, or to whom a copy thereof has been transmitted for execution according to the provisions of the said Code,* section 224.

Or Collector may recover them out of rent.

Or the Collector may, if he see fit, after recording his opinion to that effect, cause a notice in form contained in Schedule C to be served for the estate or tenure for which default has been made, and thereupon every payment of rent, save to the Collector or some person by him thereunto appointed, made after such service, until further order of the Collector, shall be null and void; and the Collector may recover by any process of law in that behalf for the time being in force the rent then or thereafter to become due from any occupier or tenure-holder on the said estate or tenure until the amount of such fine or fines with all costs shall be satisfied, whereupon the said notice shall be ordered to be revoked; and the receipt of the Collector in respect of all sums so recovered shall be, to the extent of such sums, a valid discharge in respect of rent due by such occupier or tenure-holder.

If returns not furnished, Collector to make valuation.

11. The Collector may, after the expiration of four months, from the service of any notice mentioned in section six or section nine, ascertain and fix, by such ways and means as to him shall seem expedient, the annual value of the lands mentioned in such notice of which no return required by such notice shall theretofore have been lodged; and all expenses incurred in making such valuation shall be recovered with all costs of recovery thereof in manner as is provided by section ten for the recovery of fines.

If return of certain lands is untrue, Collector to make valuation

12. Whenever the Collector may deem that any return required by section six or section nine of lands for which no rent is payable by cultivating ryots to the person making such return is untrue or incorrect, he may, by such ways and means as to him shall seem expedient, ascertain and fix the annual value of such lands; and in case the annual value of such lands so determined by him shall exceed by one-fifth the value stated in such return, the expense of such valuation shall be paid by the person by whom such return shall have been lodged, and may be recovered in manner as is provided by

* Act X of 1877, section 3, para. 2.

section ten for the recovery of fines, and in all other cases shall be defrayed from the District Road Fund established under this Act.

Person returned as cultivating ryot may be served with notice.

13. It shall be lawful for the Collector, whenever he may think fit, to cause a notice in the form in Schedule A to be served on any person holding any lands or possessing any interest therein, although such person may have been mentioned in any return as a cultivating ryot; and thereupon such person shall be bound to make a return in the form in Schedule A contained, and the provisions contained in section six with regard to fines and extension of time for lodging a return shall be applicable to him.

If no return made, Collector may ascertain annual value of lands.

If no return is made, the Collector may proceed to ascertain the annual value of the lands held by such person, and in case it appears that the annual value of the land is greater than the rent which he pays, the expense of such valuation shall be borne by such person and may be recovered with all costs of recovery thereof in manner as is provided by section ten for recovery of fines, and in all other cases shall be defrayed from the said District Road Fund.

False return.

14. If the Collector shall see ground for believing that any return made under this Act, other than a return mentioned in section twelve is untrue and incorrect, he may prosecute the maker of such return under section 177 of the Indian Penal Code. And if the Magistrate convict the person so prosecuted under the said section, the Collector may proceed to make a valuation of the lands mentioned in such return by such ways and means as to him shall seem expedient.

Power of Collector in making valuation.

15. For the purpose of making any valuation of lands directed by this Part, the Collector shall exercise the powers vested in Collectors by section 19, clause 1, section 23, clause 1, and section 24, clause 1, of Regulation VII of 1822 of the Bengal Code, except so far as the said clauses authorize any inquiry into rights or interests attaching to such lands.

Valuation rolls to be prepared

16. The Collector shall cause to be prepared from the returns so furnished to him, and from the valuations made by him under this Part, a valuation roll of each estate within his district, and of the tenures therein comprised, noting thereon the amount of revenue annually payable to Government on which the deduction specified in section twenty-one, clause 1 of this Act is to be calculated, and shall, on the application of any holder of an estate or tenure or cultivating ryot within his district, cause to be furnished to him a copy of so much of the said roll and of the returns as relate to the lands included within his estate or

tenure or ryottee holding, on being paid for the same at such rate as the Lieutenant-Governor of Bengal shall from time to time determine.

Publication of such rolls.

17. On the completion of every roll prescribed under this Part, the Collector shall cause a copy thereof to be posted up at the mâl cutcherry of the estate and of every tenure to which such roll refers, and if no mâl cutcherry be found, then on some conspicuous place on the said estate and tenure.

Appeals against valuation.

18. Every person who shall deem himself to be aggrieved by any valuation to be made by any Collector under the provisions of section twelve, may, within one month after the posting up of a copy of such roll as above mentioned, appeal to the Commissioner of the division against such valuation, and the decision of such Commissioner shall be final and conclusive.

Orders for levy of fine appealable.

19. Every order for the levy of a fine or of expenses passed by a Collector under this Act shall be appealable to the Commissioner of Revenue within one month from the service of the first process for the levy of such fine or expenses. Pending such appeal, and until the order of the Commissioner which shall be final, all process for such levy shall be discontinued.

Assessment and Payment.

Maximum rate.

20. From and after the commencement of this Act in any district, all lands in such district shall be liable to the payment of district road cess at such rate not exceeding one-half of an anna in the rupee of the annual value of such lands as the district committee in manner hereinafter provided shall determine.

Mode of payment of road cess by zemindar.

21. (1)—Every holder of an estate shall yearly pay the entire amount of the road cess calculated on the annual value of the lands comprised in such estate, at the rate at which the road cess shall have been assessed as hereinafter provided, less a deduction to be calculated at one-half of the said rate for every rupee of the revenue entered in the valuation roll of such estate as payable in respect thereof.

By holder of tenure.

(2)—Every holder of a tenure shall yearly pay to the holder of the estate or tenure within which the land held by him is included, the entire amount of the road cess calculated on the annual value of the land comprised in his tenure at the rate at which the road cess shall have been assessed as hereinafter provided, less a deduction to be calculated at one-half of the said rate for every rupee of the rent paid by him for such tenure.

(3)—Every cultivating ryot shall pay to the person to whom his rent is payable one-half of the said road cess calculated upon the rent payable by him, or upon the annual value, ascertained under the provisions of section thirteen, of the land held by him.

By cultivating ryot.

22. When the rate of road cess to be levied in any district shall have been determined for any year by the district committee in manner as hereinafter provided, the Collector shall cause to be served on the holder of every estate within the district a notice showing the amount of road cess payable by such holder, and specifying the date from which such road cess shall take effect. And thereupon the said holder shall pay the amount of such road cess to the said Collector, by equal instalments, on the several days fixed for the payment of the instalments of the Government revenue due in respect of his estate, if revenue be payable thereon; and if no revenue be payable thereon, then upon such days as shall be for that purpose appointed by any order of the Lieutenant-Governor made under the provisions hereinafter contained.

Time of payment of road cess by zemindars.

23. If any instalment of such road cess or part thereof payable to the Collector shall not be paid, the person making default shall, at any time, within three years next after the same has become payable, be liable to pay the amount of the arrear; and such amount may be levied by an order in writing of the Collector, and the provisions contained in section ten shall apply to such order; or the Collector may, if he see fit, after recording his opinion to that effect, cause a notice in form in Schedule C contained to be served for the estate or tenure for which default has been made, and thereupon every payment of rent, save to the Collector or to some person by him thereunto appointed, made after such service, shall be null and void;

Procedure if road cess not paid.

and the Collector may recover, by any process of law in that behalf for the time being in force, the rent then or thereafter to become due from any occupier or tenure-holder on the said estate until the said amount with all costs shall be realized; whereupon the said notice shall be ordered to be revoked; and the receipt of the Collector in respect of all sums so recovered shall be, to the extent of such sums, a valid discharge in respect of rent due by such occupier or tenure-holder.

Recovery by Collector.

The claim of the Collector for arrears of road cess due from any estate or tenure for which a notice has been served under this section shall have priority over any other demand or claim or lien subsisting thereupon.

Collector's claim to have priority.

24. The payment for road cess by the holder of a tenure, or by a cultivating ryot, shall be made in the proportion of the instalments of rent payable in respect of such tenure or ryottee holding; and if there be no rent payable in respect thereof, then by two equal half-yearly instalments, upon such days as shall be for that purpose appointed by any order of the Lieutenant-Governor made under the provisions hereinafter contained.

Times of payment from subordinate tenures.

25. Every holder of an estate or tenure to whom any sums may be payable under the provisions of this Act, may recover the same in the same manner and under the same penalties as if the same were arrears of rent due in respect of the land in respect of which such sums may be payable. And any shareholder in an estate or tenure who may have paid the road cess payable in respect of such estate or tenure, may recover from his co-sharers such sums as may be payable in respect of their shares as arrears of rent; or may take credit for such sums in any adjustment of accounts between himself and his co-sharers.

Recovery by holders of estates or tenures.

26. All lands held without payment of rent other than lands mentioned in section nine, and not being estates entered on the register of revenue-free tenures of the district, shall, for the purposes of this Act, be deemed to form a part of the tenure within the local boundaries of which they may be included, and if they be not included within the local boundary of any tenure, then to be a part of the estate within the local boundaries of which they are included, and if they be not included within the local boundaries of any estate, then to be a part of such conterminous estate as the Collector, in whose district such conterminous estate is situated, shall, by an order under his seal, appoint.

Payment for certain lands for which no rent is paid.

And road cess in respect of such lands shall be payable by the holder of the estate or tenure of which they are deemed to form a part, and shall be recoverable under the provisions of section twenty-three or section twenty-five, as the case may be. Or such lands may, if the Collector shall see fit, be entered on a separate register to be kept for the purposes of this Act by the Collector, and thereupon road cess shall be payable thereon and shall be recoverable in respect thereof as if the same were an estate.

Road cess in respect of such lands by whom payable.

27. It shall be lawful for the person to whom any sum shall, under the provisions of the section next preceding, have been directly paid by the holder of any tenure or tenures for which no rent is paid, to retain one-fourth thereof as and for his remuneration for costs and risk of collecting the same.

Remuneration for collecting road cess for certain lands for which no rent is paid.

PART III.

Road Cess on Mines, Railways, etc.

Maximum rates on railways, &c.

28. From and after the commencement of this Act in any district, every mine, quarry, tramway, or railway or other immoveable property not included within the provisions of Part II and Part IV of this Act, situated therein, shall be liable to the payment of road cess at such rate not exceeding one-half anna on every rupee of the annual net profits of such mine, quarry, tramway, or railway, or other property as aforesaid as the District Committee may, as hereinafter provided, determine to be the rate in the rupee leviable in respect of the annual value of land under Part II.

Exemption of Government railways and tramways.

Provided that no railway or tramway, the property of the Government of India, nor any railway nor tramway of which the dividend is guaranteed by Her Majesty's Secretary of State for India in Council, or by the Governor-General of India in Council, shall be liable to road cess under the provisions of this Act without the consent of the said Governor-General of India in Council first had and obtained.

Notice to return profits.

29. At the time, in the manner, and under the penalties provided by section six of this Act, the Collector shall cause a notice to be served upon the owner, chief agent, manager, or occupier of any property assessable under this Part: such notice shall be in the form provided by Schedule D of this Act, and shall require such owner, chief agent, manager, or occupier to send in to the office of the Collector a return of the annual net profits of such property calculated on the average of the annual net profits thereof for the last three years for which accounts were made up.

Extension of time for making return.

It shall be lawful for the Collector, upon sufficient grounds for so doing being proved to his satisfaction, from time to time to extend the period for lodging any such return.

When property lies in different districts.

30. Whenever any property assessable under this Part lies in two or more districts under the Lieutenant-Governor of Bengal, the notice to furnish a return under section twenty-nine of this Act shall be served on the owner, chief agent, manager, or occupier of such property by or through the Collector of the district where such owner, chief agent, manager, or occupier may reside or have his chief place of business, and one return for the whole of such property shall suffice.

When property is partly in and partly beyond the limits of Bengal.

31. Whenever any property assessable under this Part lies partly within and partly outside the territories subject to the Lieutenant-Governor of Bengal, the return sent in under section twenty-nine of this Act shall state the total annual net profits calculated as aforesaid accruing from such property, and also the proportion of such profits which may reasonably be calculated to accrue in the territories subject to the Lieutenant-Governor of Bengal.

If return not furnished or incorrect, Collector to make valuation.

32. If such return be not furnished within the period of three months or any extension thereof from the date on which such notice was served, or if the Collector shall deem that any return made in pursuance of such notice is untrue or incorrect, the Collector shall proceed to ascertain and determine, by such ways or means as to him shall seem expedient, the annual net profits of such property calculated as aforesaid, and all expenses incurred in making such valuation shall be borne by the person by whom, or the property in respect of which, the default occurred, and shall be recoverable, with all costs of recovery thereof, in manner as is provided by section ten for recovery of fines.

Notice of valuation.

33. So soon as the Collector shall have ascertained and determined the annual net profits as aforesaid of any such property, he shall cause to be served upon the owner, chief agent, manager, or occupier of such property, a notice informing him of the amount of the annual net profits so ascertained and determined by him.

Appeal.

Any person who, having made a return under section twenty-nine, may deem himself aggrieved by any valuation made by the Collector under the next preceding section may, within one month from the service of such notice, appeal to the Commissioner of the Division, and the decision of the Commissioner on such appeal shall be final.

Determination of annual net profits by Collector.

34. If the Collector be unable to ascertain the annual net profits as aforesaid of any property assessable under this Part, he may, by such ways or means as to him shall seem expedient, ascertain and determine the value of such property, and shall thereupon determine six per centum on such value to be the annual net profits thereon. The expenses incurred under this section shall be borne by the person by whom, or the property in respect of which, the default occurred, and shall be recoverable with all costs of recovery thereof in manner provided by section thirty-two.

35. Whenever any property assessable under this Part lies in two or more districts, the Lieutenant-Governor of Bengal shall, from time to time, determine out of the total annual net profits stated in the return, or in the valuation of such profits accruing in the territories subject to him, and ascertained in any manner as aforesaid, the proportions in which such property shall be assessed in each of the said districts respectively.

Determination of proportion of profits when property in different districts.

36. When the rate of road cess to be levied in the district upon property assessable under this Part shall have been determined for any year by the district committee in manner as hereinafter provided, the Collector shall cause to be served on the owner, chief agent, manager, or occupier of every such property a notice showing the amount of road cess payable in respect of such property, and specifying the date from which such cess shall take effect. And such amount shall be payable by such owner, chief agent, manager, or occupier, to the Collector in two equal instalments, the first on the expiry of six months, the second on the expiry of nine months after the date fixed as hereinbefore provided for the commencement of the cess year.

Notice of road cess and time of payment thereof.

Every occupier of such property, who shall have paid in excess of half of such amount, shall be entitled to deduct such excess from the next instalment of rent payable in respect of such property; and every owner who has paid in excess of half of such amount shall be entitled to recover such excess from the occupier thereof; provided that in no case shall an occupier deduct from his annual rent more than half of the rate of the road cess on every rupee thereof.

Deduction by occupier or owner who has paid in excess.

If any instalment of cess which has become payable under this section shall not be paid to the Collector, the amount thereof may thereupon, at any time within three years next after the same has become payable, be recovered with all costs under the provisions contained in section ten for the recovery of fines, so far as the same are applicable.

Recovery of instalment.

37. The total road cess payable in respect of property assessable under this Part, owned by the same person in two or more districts, shall be payable to the Collector of the district where the owner, chief agent, manager, or occupier may reside or have his chief place of business, and shall be by him transmitted to the Collectors of the districts in respect of which such cess shall be payable, in the proportion in which such Collectors shall be severally entitled thereto.

How distributed when property in different districts.

PART IV.

Road Cess on Houses.

Mode of Assessment and Levy thereof.

Houses liable to road cess.

38. From and after the commencement of this Act in any district, all houses within such district, of any of the classes mentioned in Schedule E, save as hereinafter is provided, shall be liable to the payment of road cess from such date.

Rate payable by occupiers.

39. The said cess shall be payable by the occupiers of the houses respectively liable thereto, according to the rates to be determined by the district committee in manner as hereinafter provided, not exceeding the rates set forth in Schedule E annexed to this Act; provided that every occupier who shall have paid the cess due in respect of the house which he occupies, may deduct one-half of the sum so paid from the next instalment of rent which may become payable by him in respect of the said house.

Certain houses exempt.

40. No person by whom any road cess is payable under the provisions of Part II or Part III of this Act, shall be liable to pay road cess in respect of any house occupied by him unless such person shall carry on some trade or profession therein, the profits of which are not derived from the property in respect of which he pays cess under the provisions of either of the said Parts. And no house occupied exclusively as a place of worship shall be liable to road cess under this Act.

Valuation.

41. The value of the houses liable to such cess shall be determined in places and villages to which the provisions of *Act XX of 1856, or of the Village Chowkeedaree Act, 1870, passed by the Lieutenant-Governor of Bengal in Council, shall have been extended, by the punchayets of such places and villages respectively; and in all other places and villages by assessors to be respectively appointed thereto by the Collector.

Collector to send notices to assessors and punchayets.

The Collector shall, as soon as conveniently may be, after this Act has come into force in his district, send written notices to such assessors and punchayets, respectively, requiring them forthwith to determine the value of the said houses.

Punchayet and assessor to deliver valuation roll to Collector.

Every punchayet and assessor shall severally prepare and deliver to the Collector, within two months of the receipt of such notice, a valuation roll, which roll shall be in such form as the Lieutenant-Governor shall prescribe under the provisions of section ninety-seven of this Act.

* Bengal Act V of 1876, section 2, para. 4, and section 3, para 2.

For places to which the Village Chowkeedaree Act, 1870, has been extended, see note to section 68 of that Act.

Collector may value in certain cases.

42. In case any punchayet or assessor who, by the provisions hereinbefore contained, is charged with the duty of making any valuation under this Part, shall fail to prepare and deliver to the Collector such valuation roll within the time aforesaid, the Collector shall appoint some person to make such valuation, and to prepare and deliver to him such roll, and the valuation made by such person shall have the like force and effect as if the same had been made by the punchayet or assessor aforesaid.

Publication of valuation.

43. Every punchayet or assessor, or other person appointed under the provisions of the next preceding section, shall cause the said valuation roll to be published by posting copies thereof in the language of the district, in some conspicuous position in the place or village to which it relates, and, in the case of any union, in some conspicuous position in each village comprised within such union; and shall, thereupon, forward copy of such roll to the Collector.

Revision of valuation.

44. The Collector may, within two months of the receipt of the said copy, cause the said valuation to be tested by a Superintendent. The valuation fixed by the punchayet or assessor or other person as aforesaid thereto appointed by the Collector shall be final, except in cases where the said Superintendent shall alter the same, and such altered valuation shall be published as in the next preceding section is provided. Any person who may deem himself aggrieved by such altered valuation may appeal within one month of the publication thereof to the Collector, and the order of the Collector thereon shall be final.

Levy of road cess where punchayets exist.

45. The road cess payable in respect of any house situate in any place or village to which the provisions of either of the Acts mentioned in section forty-one shall have been extended, shall be levied from the occupiers thereof, half-yearly, in two equal instalments, the first becoming due on the expiry of six, and the second on the expiry of nine, months after the date fixed as hereinbefore provided for the commencement of the cess year in the district in which such place or village is situated, by such person and by such ways and means as if the same were a rate or tax payable under the provisions of the Act extended to such place or village; provided that the limitation of six months prescribed in section 47 of *Act XX of 1856 shall, in respect to the said road cess on houses, be extended to one year.

Road cess on houses in other places how to be paid.

46. In every place other than those to which the provisions of *Act XX of 1856, or of "the Village Chowkeedaree Act, 1870," shall have been extended, the road cess which may be payable in respect of any house therein shall

* Bengal Act V of 1876, section 2, para 1 and section 3 para 2

be payable to the assessor of such place by the occupier thereof by two equal instalments. The provisions of section forty-five with regard to time of payment and limitation shall apply to instalments payable under this section.

How to be levied.

47. Any instalment of road cess due under this Part, if not paid on or before the tenth day after it has become due and payable, may be levied in the manner prescribed for the levy of an arrear of village chowkeedaree tax in sections 25 to 33, inclusive, of the Village Chowkeedaree Act, 1870, and for the purpose of such levy the said assessor shall exercise the powers of a punchayet under section 25, and of the collecting member of such punchayet under section 23, of the said Act.

Sums to be transmitted when recovered.

48. Every sum in respect of road cess on houses which shall by any person be recovered under any of the provisions aforesaid, shall be with all convenient speed transmitted by him to the Collector, or to such person as the Collector may appoint to receive the same.

PART V.

Local Committees.

Constitution of District Committees.

Constitution of district committee.

49. In and for any district to which this Act shall have been extended, the Lieutenant-Governor shall, from time to time, appoint, or cause to be elected under such rules in regard to qualification, election, and discharge as may by him be prescribed for such period not exceeding two years as to him may seem fit, any number of the road cess payers of such district, their managers or agents, to be members of a district committee for carrying out the purposes of the Act.

Removal of members.

50. The Lieutenant-Governor may, from time to time, discharge any one or more of the members of the committee so appointed who shall desire to be discharged, or refuse or become incapable to act, or whom, for any cause which he may deem sufficient, he may think it expedient to remove.

Appointment of ex-officio members.

51. In addition to the members appointed or elected as aforesaid, the Lieutenant-Governor shall have power to direct, by any writing signed by him, that all persons holding the offices in such writing specified shall be ex-officio members of the committee for any district in which they exercise the said offices, and in which this Act shall have come into force.

Number of ex-officio members.

52. The number of members of a district committee holding salaried offices under the Government, shall not be more than one-third of the total number of the said committee.

Their Mode of Transacting Business.

Chairman and vice-chairman of committee.

53. The Collector of the district shall be the chairman of the district committee, and the vice-chairman shall be elected by the said committee.

Committee to have an office.

54. The committee shall have an office within the district in and for which they shall have been appointed, where they shall meet for the transaction of business at least once in every quarter of a year.

Chairman at meetings.

55. The chairman, or in his absence the vice-chairman, shall preside at every meeting of the committee. In the absence of both the chairman or vice-chairman the members present shall elect a president for the occasion.

Special meeting.

56. The chairman, or in his absence the vice-chairman, may, whenever he thinks fit, and shall, upon a requisition made in writing and signed by not less than one-third of the members, convene a meeting.

Notice of meeting.

57. At least ten days' notice shall be given of every meeting. Every notice shall state the business to be transacted at the meeting proposed to be called; and no business other than that so stated shall be transacted at such meeting.

Quorum.

58. The quorum necessary for the transaction of business at a meeting shall be one-third of the total number of members forming the committee at the time of the meeting.

Adjourned meeting.

59. If, at the time appointed for the meeting, or such time not exceeding one hour thereafter, as the majority of the members present shall think fit, a quorum is not present the meeting shall stand adjourned till some future day, to be appointed by the chairman or vice-chairman of the committee, and ten days' notice of such adjourned meeting shall be given. The members present at such adjourned meeting shall form a quorum, whatever their number may be.

Voting: casting vote.

60. All questions which may come before the committee at any meeting shall be decided by a majority of votes of the members present. Every member shall have one vote. In case of equality of votes, the president shall have a casting vote.

Minute book to be kept

61. The minutes of the proceedings of every meeting shall be recorded in a book to be kept for that purpose in the office of the committee, and any person resident in, or owning land in the district, may, at all reasonable times, inspect and examine such book without payment of any fee, and may obtain a certified copy of any

extract therefrom on payment of such fees as the Lieutenant-Governor may direct.

Correspondence between committee and local Government.

62. All correspondence between the committee and the local Government shall pass through the Commissioner of the division, who, in all things under this Act, shall be subject to the control and supervision of the Lieutenant-Governor. The committee shall furnish him with any information he may call for connected with the duties imposed upon them by this Act.

Their Functions.

Election of a vice-chairman.

63. The first meeting of a district committee shall be convened by the chairman at such time as he shall think fit, and shall proceed to the election of a vice-chairman.

Appointment and salaries of officers by committee.

64. The committee, at a subsequent meeting, to be convened by the chairman, at such time as he shall think fit, may appoint, on the nomination of the chairman, and may suspend or dismiss as they may think fit, such officers, engineers, clerks, and servants as may seem to them to be necessary for carrying out the purposes of this Act, and may pay to such officers, engineers, clerks, and servants, such salaries and allowances as they may from time to time determine.

Aggregate amount of officers' salaries limited.

Provided that the aggregate salaries and allowances of such officers, engineers, clerks and servants, for any one year shall not, except with the sanction of the Commissioner of the division, exceed one-fourth of the entire income of the committee for the said year.

Penalty on members and officers being concerned in contracts.

65. No member, officer, or servant of any committee shall be in anywise concerned or interested in any contract or work made with or executed for such committee; and if any such member, officer, or servant be so concerned or interested, he shall be incapable of afterwards continuing to be a member of such committee, or holding or continuing in any office or employment under such committee, and shall be liable, on conviction thereof, to a fine of rupees five hundred.

Exception.

Provided that nothing in this section shall apply to any person by reason only of his being a shareholder in any company incorporated by Act of Parliament or by Royal Charter or otherwise, or registered under any Act for the registration of Joint-Stock Companies, passed by the Parliament of the United Kingdom, or by any Indian Legislature, which may enter into any contract with such committee,

or execute any work for such committee, if such person shall, at or before the time of any such contract being made or tendered for, declare to such committee the extent of his interest in such company, and if an officer or servant of the committee obtain the sanction of such committee to his continuing to be an officer or servant.

Statement of roads to be prepared.

66. The vice-chairman, within three months after his election, shall cause to be prepared a general statement of the roads, bridges, rivers, khals, and canals, other than those on which tolls of any kind are collected, the proceeds of which are not paid to the District Road Fund, and other than canals constructed for purposes of irrigation, to be brought within the operation of this Act within the three years then next ensuing, and the committee shall, at some meeting to be held within one month after the submission of such statement, or at any adjourned meeting, take such statement into consideration, and may pass any statement relating thereto which they may think fit.

Statement to be forwarded to Commissioner.

67. The committee shall thereupon forward the statement which shall be so passed to the Commissioner of Revenue of the division.

Supplemental statement.

68. The vice-chairman may in any subsequent year cause to be prepared a supplemental statement of the kind mentioned in section sixty-six; and every such supplemental statement shall be subject to the provisions of the two sections next preceding with respect to the statement therein mentioned.

Collector to submit annual statement to committee.

69. The Collector shall, at such date as the district committee shall fix, prepare and deliver to the district commitee a statement showing under separate heads the estimated proceeds, for the cess year then next ensuing, of the several road cesses at the maximum rates hereinbefore provided, and also of any sum and of any sources of revenue for the said period which the Lieutenant-Governor shall have assigned to the said district.

Annual estimate to be prepared.

70. The committee shall, at some meeting, to be held in such month as the Lieutenant-Governor shall determine, prepare an estimate of the income and expenditure of the committee for the cess year then next ensuing, together with specifications and estimates of the works to be performed during such year, such works being a portion of, or included in, the works mentioned in the statement for the time being in force.

Mode of preparation.

In making such estimate the committee shall first determine the amount to be appropriated to office establishment and charges, next the amount to be appropriated to the repair of

roads, bridges, rivers, khals, and canals then existing, and afterwards the amount to be appropriated to the construction of new roads or canals; provided that no portion of the District Road Fund of any one district shall, save with the previous sanction of the Lieutenant-Governor, be appropriated for the construction, repairs, maintenance, or improvement of roads, bridges, rivers, khals, or canals within any other district.

Commissioner may revise estimate.

71. Every such estimate shall be forwarded by the vice-chairman to the Commissioner, and the Commissioner may approve such estimate or may return such estimate for revision in such respects as he may point out, or may alter or vary the total amount thereby proposed to be expended. Provided always that it shall not be lawful for the Commissioner to alter or vary any estimate which shall have been approved by not less than two-thirds of the members of the committee present at the meeting at which such estimate shall have been adopted.

Limit of estimate.

72. The total amount in and by any estimate proposed to be expended in any one cess year shall not exceed the proceeds estimated to be at the disposal of the committee for that year of the several road cesses hereinbefore directed to be imposed within the district at the maximum rates at which they are respectively leviable, together with any sum, and the annual proceeds of any sources of revenue which shall have been placed by the Lieutenant-Governor at the disposal of the committee.

Supplemental estimate.

73. Whenever any estimate shall have been altered or revised by the Commissioner as hereinbefore is provided, the committee shall cause a supplemental estimate to be prepared, and in case the amount proposed to be expended shall have been increased by such alteration or revision, shall at a meeting provide for the expenditure of such increased sum, within the limits in the next preceding section specified; and in case such sum shall have been similarly diminished, shall therein determine the works proposed in the original estimate which are to be altered or abandoned.

Calculation of annual road cess.

74. When and so soon as the amount for any one cess year proposed to be extended shall have been determined as hereinbefore is provided, the committee shall at a meeting after deducting therefrom the amount which may be placed at their disposa as aforesaid, together with the estimated proceeds of any sources of revenu assigned to them, determine the several rates of cess under this Act requirec to produce the residue, and such rates shall be the rates at which the severa cesses shall be respectively leviable for the ensuing year.

Proclamation and publication of cesses.

75. So soon as the said rates shall have been determined as aforesaid, the committee shall inform the Collector thereof, and the Collector shall cause a proclamation to be issued in his district declaring the same. Such proclamation shall be published in manner as in section five is directed. And the said rates shall be reported by every Collector to the Lieutenant-Governor, who shall forthwith cause the same to be published in the *Calcutta Gazette.*

Branch Committees.

Branch committees.

76. In any district to which this Act shall have been extended, the Lieutenant-Governor of Bengal shall, in addition to a district committee, form as many branch committees as he shall think fit, for carrying out the purposes of this Act, and shall appoint a chairman and vice-chairman thereof, respectively, and shall define the portion of such district within which any branch committee shall exercise the powers conferred and discharge the duties imposed upon them by this Act. The said Lieutenant-Governor shall from time to time appoint, or cause to be elected under such rules in regard to qualification, election, and discharge, as may by him be prescribed, for such period not exceeding two years as to him may seem fit, to be members of a branch committee any number of the road-cess payers of the portion of the district for which such branch committee shall be formed.

Sections which apply to them.

The provisions in sections fifty to fifty-two and fifty-four to sixty-one respecting district committees shall apply, so far as the same are suitable, to such branch committees.

Branch committees' statement.

77. Every such branch committee shall be, except as hereinafter provided, subordinate to the district committee, and shall forward to the district committee such statements, suggestions, and estimates as it may think fit, and the district committee shall consider and have regard to such statements, suggestions, and estimates in framing the statements and estimates hereinbefore directed. And such branch committee may, from time to time, select any member thereof to be an additional member of the said district committee, who shall thereupon, for the space of one year, become a member thereof.

Funds of the branch committee.

78. It shall be competent to the Lieutenant-Governor, in each year, to assign to any branch committee so much of the road fund levied for that year in the district for portion of which such branch committee is appointed, as he may think fit, not exceeding the total estimated proceeds of all cesses leviable within the said portion of the district; and further, to allot to the said branch committee so much of the income of the fund from other sources as he shall think fit.

79. In any case where the Lieutenant-Governor of Bengal may declare that a branch committee shall have the full powers of a district committee within the said portion of the district, the district committee shall cease to exercise powers under sections sixty-four, sixty-five, sixty-six, seventy, and seventy-three, within such portion of the district: and such powers, together with the powers specified in sections sixty-seven and sixty-eight, shall then vest in the branch committee; and in any case where the Lieutenant-Governor of Bengal may declare that a branch committee shall have the powers of a district committee for specified works or specified purposes only, the powers of the district committee in respect of such works and such purposes only shall cease within the said portion of the district; and such powers shall then vest in the branch committee.

Powers of the branch committee.

80. Every branch committee, so vested with powers as in the next preceding section provided, shall prepare an estimate in regard to their annual income and expenditure similar to that required by section seventy to be prepared by the district road committee.

Estimate.

81. The provisions of sections seventy-one, seventy-two, and seventy-three shall apply to such estimate: provided that the aggregate amount to be expended by the branch committee in any year shall not exceed the aggregate of the fund placed at their disposal for that year.

Limit of estimate.

PART VI.

District Road Fund.

82. The District Road Fund under this Act shall consist of the amount produced by the several road cesses, and of all sums levied or recovered as fines or penalties or otherwise under this Act, and of all sums, and the proceeds of all sources of revenue assigned by Government thereto.

Constitution of District Road Fund.

83. The Lieutenant-Governor shall, on or before the date fixed as that from which the several road cesses under this Act shall take effect in any district, assign to the district committee appointed therein all such sums as may have been collected within the said district during the financial year then last completed, on account of any road cess payable otherwise than under the provisions of this Act, and such sums shall by the said committee be added to the District Road Fund.

Road cess not under this Act.

84. The District Road Fund shall be lodged with the Collector, and the Collector shall keep a separate account thereof, and shall cause to be prepared an annual statement of such account, showing in detail therein all receipts and dis-

Collector to prepare annual statement of the District Road Fund.

bursements during the cess year. After the appointment of any branch committee in a district the Collector shall, in like manner, keep a separate account of the fund placed at its disposal.

Payments on account of the District Road Fund.

85. All payments on account of the District Road Fund shall be made by the Collector out of the said fund upon cheques signed by the vice-chairman for sums under one hundred rupees, or by the chairman and vice-chairman for sums above that amount. When the vice-chairman is absent, or from any cause incapacitated to sign cheques, the chairman may sign cheques on behalf of the vice-chairman.

Collector's monthly account.

86. The Collector shall forward to the vice-chairman of every committee in every month an account of his receipts and disbursements on account of the District Road Fund for the previous month.

Accounts of committee.

87. Every committee shall keep regular and detailed accounts of the monies received or applied by them under the provisions of this Act and of their application, and such accounts shall be, at all convenient seasons, open to the inspection of all members of the committee.

Annual account current and examination thereof.

88. The vice-chairman of every committee shall, in every year, prepare a detailed account current of the receipts and expenditure of the District Road Fund during the previous cess year, and such account shall, within one month of the submission thereof, be examined by the said vice-chairman together with three members of the committee appointed in its behalf by the committee. Such members shall have power to call for all vouchers and papers they may require, and may amend, correct, and pass the said account.

The account so passed shall be submitted to a meeting of the said committee to be convened to consider the same within one month from the receipt thereof.

Annual report to be submitted to Commissioner.

89. Within one month after the account of the next preceding cess year shall have been examined as aforesaid, the committee shall submit to the Commissioner a copy of such account and a report of the work done and in progress in such year, and such account and report shall be published at the expense of the District Road Fund in the *Calcutta Gazette*, together with such remarks thereon as may have been received from the Commissioner.

Application of the District Road Fund.

90. The District Road Fund shall be applied

in paying the necessary expenses for carrying out the provisions of this Act, including establishment and charges incurred by the Collector;

in the payment of the staff and establishment appointed under the provisions hereinbefore contained;

in the construction, repair, improvement, and maintenance of roads, bridges, rivers, khals, and canals other than those on which tolls are collected, the proceeds of which are not paid to the District Road Fund and other than canals constructed for purposes of irrigation.

PART VII.

General Provisions.

General valuation to be in force for five years.

91. Every valuation under Part II and Part IV shall remain in force and effect for the term of five years from the date fixed as hereinbefore provided for the several cesses leviable in pursuance thereof to take effect and until a new valuation and assessment shall have been completed.

Power after five years to make new valuation.

92. After the expiration of the said five years, the Collector may cause a new valuation roll under Part II, or under Part IV, or under both, to be prepared, and for that purpose may cause such proclamations and notices to be issued and served, and such returns to be made as are hereinbefore directed, and shall have such powers and authorities as are in the said Parts respectively conferred.

New valuation under Part III.

93. New valuations under Part III shall be made by the Collector every year, and the Collector may for that purpose cause such notices to be issued and served, and such returns to be made, and shall have such powers and authorities as are in the said Part mentioned and conferred.

Declaration of annual net profits by owner, &c., under section 29.

Provided that whenever any return made under section twenty-nine of this Act shall be accepted by the Collector for any year, the owner, chief agent, manager or occupier of such property may, if he see fit, declare in writing at the time of such acceptance that the annual net profits set forth in such return shall, for the purposes of this Act, be the annual net profits for the five years then next ensuing.

Effect of acceptance by Collector of declaration

And if the Collector shall agree to accept such declaration, no new valuation shall be made for such property until the said five years shall have expired or until a general re-valuation be made under the next preceding section.

94. Every return filed by or on behalf of any person in pursuance of the provisions of this Act shall be signed by him or his authorized agent, and shall be admissible in evidence against him, but shall not be admissible in his favor.

Evidence.

But a return made by a shareholder is not admissible as evidence against another shareholder.—MUSSAMUT NUSSEEBUN *v.* GOUREE SUNKUR SING, 22 W. R, 192.

Service of notice.

95. Every notice in and by this Act required to be served may be served

1.—By delivering the same to the person to whom it is directed, or on failure of such service, by posting the same on some conspicuous part of the house in which the said person resides, or by delivering the said notice to any agent authorized to appear generally for the person to whom such notice is directed; or

2.—By sending a registered letter containing such notice directed to the said person at his usual place of abode, or to the place where he may be known to reside; or

3.—By posting a copy of the notice at the mâl cutcherry of the estate or tenure; or if no such mâl cutcherry be found, on some conspicuous place on the said estate or tenure to which such notice relates, and by delivering, in the case of estates paying their annual revenue by four instalments, another copy thereof to the agent who shall have paid an instalment of revenue next after the preparation of such notice. In all cases where two or more persons are holders of an estate or tenure, service of notice under this clause shall be deemed to be good and sufficient service on each and all of such persons.

Cost of service.

96. The cost of service of all notices by this Act required to be served shall be defrayed from the District Road Fund.

Lieutenant-Governor empowered to prescribe forms and rules.

97. It shall be lawful for the Lieutenant-Governor of Bengal, by an order published in the *Calcutta Gazette*, to make such rules for the performance of the duties of the district and branch committees, and of all persons employed under this Act, and in regard to the appointment, election, qualification and discharge of such persons, and otherwise for carrying out the purposes of this Act, and to prescribe such forms for the notices, returns, valuation rolls, estimates, account books, reports and statements required by the provisions hereinbefore contained, and for which forms are not hereby given, as to him shall seem meet, and to fix the dates for payment of instalments under sections twenty-two and twenty-four, and by any other order, to be in like manner published, to alter, vary, or revoke any such rules or forms, or to substitute others in lieu thereof; and all such rules and forms shall, so far as they are

not inconsistent with the provisions of this Act, have the same force and effect as if they had been inserted herein.

SCHEDULE A.

No. 1.—Form of return prescribed by section 5.

Amount of Government revenue in case of an estate : or of rent in case of a tenure : Rs. a. p.

PART I.

District Mehal No.

Details of lands in the actual occupation and cultivation of the person submitting the return :—

1	2	3	4	5
Pergunnah in which land is situated.	Name of village in which land is situated.	Area of land	Deduct area of land situate within any municipal boundary.	Annual value of remaining land.

PART II.

District Mehal No.

Details of lands held by cultivating ryots paying direct to the person submitting the return :—

1	2	3	4	5	6
Pergunnah in which situated	Name of village in which situated.	Name of ryot.	Annual rent.	Deduct rent of land included in any municipality.	Balance of net rent assessable to road cess.

PART III.

District Mehal No.

Details of the tenure-holders paying to the person submitting the return :—

1	2	3	4
Name of tenure-holder and person paying rent for him borne on the books of holder of estate or tenure.	Name of village, pergunnah, and district in which such persons reside.	Name of village in which tenure is situated.	Annual rent paid by tenure-holder.

PART IV.

District Mehal No.

Details of lands for which no rent is paid included in the estate or tenure of the person submitting the return so far as may be known to him :—

1	2	3	4	5
Pergunnah in which situated	Name of village in which situated.	Name of holder.	Name of village in which lands are situated.	Estimated annual value.

I, *X. Y. Z.*, do declare that the statements contained in the above return are true to the best of my knowledge, information, and belief.

Signed———

N.B.—This return must be signed by the holder or his authorized agent.

No. 2.—Form of Notice upon an estate or tenure under section 6.

District of

NOTICE UNDER DISTRICT ROAD CESS ACT, 1871.

The holders of estate or tenure (*description of the land to be filled in*) in the district of , and all others interested therein, are hereby required to lodge in the office of the Collector of the said district a return, in the form hereunto annexed, of all lands comprised in such estate or tenure and the rents paid therefor. Such return must be signed by such holder or his authorized agent, and be so lodged within the space of three months from the service of this notice (unless within the said three months you obtain from the Collector an extension of the said space of three months) under a penalty of a daily fine of fifty rupees for every day after the expiry of such period or extension thereof until such return shall be presented. Take notice, further, that no rents due in respect of the said estate can be recovered by suit after such period until such returns be so lodged.

(Sd.) A. B.,

COLLECTOR'S OFFICE, *Collector.*

Dated

SCHEDULE B.

Form of Notice under section 9.

District of

NOTICE UNDER DISTRICT ROAD CESS ACT, 1871.

The owner, chief agent, manager, or occupier of situated in the district of is hereby required to lodge

in the office of the Collector of the district of a return in the form hereunto annexed, showing the amount of land under cultivation at the date of this return in the said

Such return must be signed by him and be lodged within the space of three months from the service of this notice (unless within the said three months you obtain from the Collector an extension of the said space of three months), under penalty of a daily fine of fifty rupees for every day after the expiry of such period or extension thereof until such return shall be presented.

Annexed form of return.

District

Details of lands acquired under any rules for the sale, grant, or clearance of waste lands, or held direct from Government, and used for the cultivation of tea, coffee, or cinchona under the control of the persons submitting the return :—

1	2	3	4	5	6
Districts In which the lands lie.	Pergunnahs	Name of owner, agent, manager, or occupier.	Entire area of land.	Area of lands under cultivation in acres.	Aggregate value at Rs. 10 per acre of land in column 5.

I, X. Y. Z., do declare that the statements contained in the above return are true to the best of my knowledge, information, and belief.

Signed———

N. B.—This return must be signed by the owner, chief agent, manager, or occupier.

SCHEDULE C.

Form of notice under sections 10 *and* 23.

District of

NOTICE UNDER DISTRICT ROAD CESS ACT, 1871.

The occupiers and tenure-holders on estate or tenure (*description of the land to be filled in*) are hereby prohibited, until further order of the Collector, from making any payment of rent now or hereafter to become due from them in respect of any land comprised within such estate or tenure, except to the Collector of the said district or to (*name of person*) hereby appointed to receive the same. The Collector will grant receipts for all sums paid, and such receipts will, under the provisions of the above Act, be a valid discharge to the extent of such sums in respect of rent due or hereafter to become due as above stated by the holder of such receipt. All payments, except to the Collector, until further order, will be null and void.

(Sd.) A. B.,
Collector.

SCHEDULE D.

Form of notice to be served under section 29.

District of

NOTICE UNDER THE DISTRICT ROAD CESS ACT, 1871.

The owner, chief agent, manager, or occupier of the
situated in the district of is required to lodge in the office of the Collector of the district of
a return in the form hereunto annexed, showing the net profits of the
calculated on the average of the profits of the last three years for which accounts have been made up. Such return must be signed by him or his authorized agent and be lodged within the space of three months from service of this notice, unless within the said three months you obtain from the Collector an extension of the said space.

(Sd.) A. B.,
Collector.

COLLECTOR'S OFFICE,
Dated

Annexed form of return.

District

Detail of yearly profits of mines, quarries, railways, and tramways, in the possession or under the control of the person submitting the return :—

1	2	3	4
Districts	Pergunnahs	Name of holder or manager.	Annual net profits per annum on the average of the last three years for which accounts have been made up.
In which the property lies.			

I, *X. Y. Z.*, do declare that the statements contained in the above return are true to the best of my knowledge, information, and belief.

Signed———

N.B.—This return must be signed by the owner, chief agent, manager, or occupier.

SCHEDULE E.

ANNUAL RATES OF ROAD CESS ON HOUSES.

(*See section* 38.)

Dwelling houses estimated to be of the present value of—

				Yearly Cess
Not less than Rs.	100	but less than Rs.	500	Rs. 1-0
„ „	500	„ „	1,000	„ 3-0
„ „	1,000	„ „	2,000	„ 4-8
„ „	2,000	and upwards		3 Rs. for every

Rs. 1,000 or part thereof of estimated present value.

Shops and buildings used for purposes of trade, whose estimated present value is more than Rs. 25 and less than Rs. 100, to pay a yearly tax of one rupee.

ACT No. XI OF 1871.

(*Received the assent of the Lieutenant-Governor on the* 19*th July* 1871, *and of the Governor-General on the* 22*nd August* 1871.)

An Act to enable the Lieutenant-Governor to take a Census of Bengal.

Preamble.

WHEREAS it is expedient to take a census of the provinces under the control of the Lieutenant-Governor of Bengal; It is enacted as follows:—

Power to take a census.

1. It shall be lawful for the Lieutenant-Governor of Bengal, through such person or persons as he may appoint for the purpose, to take an account of the population of the provinces subject to his control.

The account shall be taken in such manner and shall include such particulars as the Lieutenant-Governor shall direct.

Control of census operations.

2. An officer to be appointed by the Lieutenant-Governor of Bengal shall superintendent the taking of the census, and he shall cause to be prepared and issued, for the use of the persons to be employed, such forms and instructions as he shall, with the sanction of the Lieutenant-Governor, deem necessary.

Chief Executive Officer of the district to appoint enumerators.

3. The Chief Executive Officer of each district shall appoint a sufficient number of competent persons to be enumerators, to collect the required particulars, and to fill up the forms prescribed; and every enumerator shall be furnished with a letter of appointment signed and sealed by the said Officer. Every

enumerator appointed under this Act shall, during the period of his employment, be deemed a public servant within the meaning of the Penal Code.

Chief Executive Officer of the Justices, &c., to appoint enumerators.

4. In the town of Calcutta or in any place or town to which the provisions of the *"District Municipal Improvement Act" or the *"District Towns Act, 1868," respectively passed by the Lieutenant-Governor of Bengal in Council, shall have been extended, the census may, if the Lieutenant-Governor of Bengal shall so direct, be taken by the Justices or by the Municipal Commissioners or committee, subject to such instructions as the officer appointed under section two of this Act may issue; and the appointment of the enumerators of such place shall be made by the Chairman or other Chief Executive Officer of such Justices or Commissioners or Committee, who shall furnish every enumerator so appointed, with a letter of appointment signed by him. And such Chief Executive Officer shall exercise, within the limits of such town or place, all the powers conferred upon the Chief Executive Officer of a district by this Act. And the Chief Executive Officer of the Justices for the Town of Calcutta shall, if the Lieutenant-Governor shall so direct, also exercise the aforesaid powers within the suburbs of Calcutta.

Powers of Chief Executive Officer.

5. It shall be lawful for any Chief Executive Officer, while carrying out the provisions of this Act, by an order in writing, to call upon all landholders, tenure-holders, and farmers in his district, or their agents, to give such assistance as the Collector may require towards the taking of the census on the lands of such persons. Such order shall specify the nature of the assistance required. The Lieutenant-Governor may determine by rules to be published in the *Calcutta Gazette* the nature of the assistance which the Collector may require.

Power to collect information.

6. It shall be lawful for any enumerator appointed under sections three or four of this Act, to ask such questions as by his instructions he is authorized to put, for fully and correctly filling in the forms to be issued by the Officer under section two; and every person, of whom such questions shall be asked, shall be bound to state the truth in relation thereto; and every person refusing to answer, or wilfully giving a false answer to any such question, shall, for every such refusal or wilfully false answer, be liable to pay a fine not exceeding fifty rupees.

Penalty on misconduct of enumerators.

7. If any enumerator, appointed under section three or four of this Act shall, without showing sufficient cause to the said Chief Executive Officer, abstain from complying with the instructions given to him; or if he shall make any wilful neglect, default, or falsification in putting the necessary questions or filling up the forms, or

* Bengal Act V of 1876, section 2, para. 1, and section 3, para 1.

shall wilfully put any questions not authorized by his instructions, he shall be liable for every such neglect, default, falsification, or breach of instructions, in case it do not amount to an offence within the provisions of the Indian Penal Code, to pay a fine not exceeding fifty rupees.

Enumerator in certain cases.

8. Every Military or Naval Officer in command of any body of military or naval men, or of any vessel of war, and every master of a merchant vessel or tug steamer or nacodah or tindal of a vessel or boat, and every person in charge of a lunatic asylum, hospital, or prison, or of any public or charitable or scholastic institution, and every keeper of any hotel or lodging-house, shall, if thereunto by the said Chief Executive Officer required, act as an enumerator under this Act for the purpose of taking a census of persons under his command or charge, or abiding in his house at the time; and every person so required to act as an enumerator shall receive and conform to all instructions which may be issued by the Officer appointed to superintend the census as aforesaid, and shall be deemed to have been duly appointed an enumerator within the provisions of this Act.

Jurisdiction in prosecutions under Act.

9. All prosecutions under this Act shall be instituted before a Magistrate exercising the powers of a Magistrate of the District or of a subordinate Magistrate of the first class, or before a Police Magistrate of Calcutta, as the case may require.

THE JUTE WAREHOUSE AND FIRE BRIGADE ACT, 1872.

CONTENTS.

PREAMBLE.

PART I.

PRELIMINARY.

SECTION.

1.—Short title.

2 —Interpretation clause.

PART II.

JUTE WAREHOUSES.

4.—Existing warehouses not to be used till licensed.

5 —Existing warehouses to be inspected and reported on.

6 —Licenses for existing warehouses.

License fee.

7.—License for new warehouses subject to certain conditions.
Determination of fee.
Alteration of fee.
8.—Appointment of inspecting officers.
11.—Penalty for not taking out license.
12.—Penalty for establishing warehouse without license.
13.—Penalty for using warehouse after refusal of license.

PART III.

Fire Brigade.

15.—Organisation of fire brigade.
16.—Power to frame bye-laws.
17.—Powers of fire brigade in case of fire.
Police Officers to render assistance.
Damage done to be deemed damage by fire.
18.—Inquiry into origin of fire.

Licenses and Penalties.

19.—License for using fire works.
20.—License for sale or manufacture thereof.
21.—Penalty for using without license.
22.—Penalty for selling, &c.
23.—Power to withdraw license.
24.—Liability of householders.

PART IV.

Expenses and Funds.

25.—Application of fund.
In the case of Calcutta and the Suburbs.
In the case of Howrah.
26.—Contribution by Insurance Companies.
27.—Insurance Companies to make returns.
Inspection of Companies' books.
28.—Penalty for not making return.
29.—Proportions of contribution towards payment of expense of fire brigade.
Calcutta Commissioners to certify cost of fire-brigade to Commissioners of the Suburbs.

PART V.

Miscellaneous.

30.—Lieutenant-Governor may declare the warehousing of any other substance to be subject to Act.
31.—Submission of reports.
32.—Power to arrest.

33.—Offenders to be brought to trial.
34.—Summary jurisdiction.
35.—Construction of Act.

ACT No. II OF 1872.

(*Received the assent of the Lieutenant-Governor on the 13th February* 1872, *and of the Governor General on the 12th March* 1872.)

An Act to amend the law for the registration of Jute Warehouses, and to provide for the establishment of an efficient Fire-brigade.

Preamble.

WHEREAS it is expedient to amend so much of Act VI of 1866, passed by the Lieutenant-Governor of Bengal in Council, as provides for the registering and licensing of jute warehouses; and whereas it is expedient to provide for the organization and maintenance of a Fire-brigade; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be called "The Jute Warehouse and Fire-brigade Act, 1872."

Extent.

It extends to the whole of the town of Calcutta, and to such portions of the Suburbs thereof as are for the time being subject to the operation of Act II of 1866 passed by the Lieutenant-Governor of Bengal in Council, and also to the Municipality of Howrah.

Interpretation clause.

2. The words mentioned in this section shall, for the purposes of this Act, have the meanings herein assigned to them, except when from the context a contrary intention appears.

"Jute" "Cotton."

"Jute" and "Cotton" mean respectively "Jute" and "Cotton" which have not been pressed or screwed as if for shipment.

"Person."

"Person" includes a firm and a Hindu undivided family.

"Insurance Company."

"Insurance Company" means any Association or person who may carry on the business of Fire Insurance, whether such Association be incorporated or not, and the agent or agents of such Association or person.

"Magistrate."

"Magistrate" includes a Justice of the Peace for Calcutta, and any person exercising all or any of the powers of a Magistrate.

"Jute Warehouse." "Jute Warehouse" means any warehouse, store, depôt, yard, godown, or other place used for the storing, keeping, pressing or depositing of jute or cotton, or other substance for the time being subject to the operation of this Act.

"The Commissioners." * "The Commissioners" in this Act means the Corporation of the town of Calcutta.

3. [*Repealed by Act XII of* 1873.]

PART II.

JUTE WAREHOUSES.

Existing warehouses not to be used till licensed. 4. No jute warehouse, existing at the date of the commencement of this Act within the limits of its operation, shall be used, after the 31st July next following such date, for the storing, keeping, pressing, or depositing of jute or cotton, unless the owner or occupier thereof shall have previously obtained a license under this Act for such use.

Existing warehouses to be inspected and reported on. 5. As soon as may be after the passing of this Act, the *Commissioners at a special meeting shall appoint from their own number a special committee, consisting of seven members, one of whom must be the Chairman of the Commissioners, whose duty it shall be to visit, inspect, and report on every jute warehouse existing within the town of Calcutta. And the special committee shall report, before the 15th day of the said month of July, to the Commissioners whether a license can be granted to all or any such warehouses, without risk to life and property in the neighbourhood thereof respectively. No jute warehouse shall be reported upon by the special committee until it shall have been visited by a quorum of not less than three members of the special committee. The Commissioners at a special meeting may award such fee as they may think fit to each member of the special committee, not being a salaried member of the corporation of Commissioners.

Licenses for existing warehouses. 6. On receiving the report of the committee, it shall be within the discretion of the Commissioners at a special meeting to grant or refuse a license for any jute warehouse mentioned in the said report; provided that, if in the opinion of the Commissioners the said jute warehouse may be rendered fit for use without risk to life or property in the neighbourhood thereof, the Commissioners shall certify to the owner and occupier thereof the conditions and restrictions under which the said jute warehouse may, in their opinion, be so rendered fit for use, and

* Bengal Act I of 1877, section 1.
* Bengal Act I of 1877, section 3.

upon the said owner or occupier complying with the terms of such conditions and restrictions to the satisfaction of the Commissioners, at a special meeting, they shall grant to him a license in respect thereof.

License fee.

Every license granted under this section shall be subject to the payment of an annual fee to be imposed and paid in manner as in the next succeeding section is directed, and to such other of the conditions mentioned therein as the Commissioners may think fit.

License for new warehouses subject to certain conditions.

7. * Any person proposing to use any land for the purposes of a jute warehouse within the town of Calcutta, shall send to the Commissioners a plan of such land, and all the buildings thereon, prepared in such manner as the Commissioners may direct, and it shall be within the discretion of the Commissioner at a special meeting to grant or refuse a license to establish the same.

Every license for a jute warehouse, to be granted under this section, shall be subject to the following conditions, namely:—

(1) That no loose jute, jute rejections or cuttings, or cotton, shall be stored, or screwed, or pressed, save within a building constructed of such materials, and on such a plan as may be approved of by the Commissioners.

(2) That no loose jute, jute rejections or cuttings, or cotton, shall be combed or dried, except within an enclosure approved of by the Commissioners.

Provided that the top or roof of any building or of any hut shall not be used for such combing or drying.

(3) That space shall be reserved on land appertaining to the jute warehouse for the loading or unloading of carts.

(4) That no portion of the jute warehouse shall be used as a residence, and no artificial light (other than one duly and thoroughly protected), or lucifer matches shall be introduced therein, and no person shall smoke therein.

(5) That the jute warehouse shall at all times be open to the inspection of officers duly appointed by the Commissioners.

(6) That the engines and furnaces used in the jute warehouse shall be placed as may be considered necessary by the Commissioners.

---

* Bengal Act II of 1875, section 2.

(7) That an annual fee, as the Commissioners at as special meeting may think fit, shall be imposed in respect thereof at one of the following rates (namely) :—

Rupees	...	...	..	... 1,000
"	...	...	...	... 750
"	...	...	...	... 500
"	...	...	...	... 250

and shall be paid in such instalments as the Commissioners may direct.

Determination of fee.

In fixing the amount of fee to be paid in respect of any jute warehouse, the Commissioners at such special meeting shall have regard to the annual value thereof, as it is for the time assessed, to the payment of municipal taxes, to the size and position of the jute warehouse, to the number and excellence of the pressing machines erected, or proposed to be erected, in such jute warehouse, and to the probable income derived from such jute warehouse by its owner or occupier.

Alteration of fee.

The Commissioners may from time to time, as they shall think fit, at a special meeting, alter the amount of the fee in accordance with the rates hereinbefore mentioned, to be paid in respect of any jute warehouse.

Appointment of inspecting officer.

8. The Commissioners shall appoint suitable officers for the inspection of jute warehouses within the town of Calcutta; and it shall be lawful for any officer so appointed, and for any superintendent or inspector of police within the said town, to enter at any time into any jute warehouse, where jute or cotton may be kept, and to inspect the same.

9, 10. [*Repealed by Bengal Act II of* 1875.]

Penalty for not taking out license.

11. Any person who shall, after the 31st day of the said July, without a license under this Act, use any jute warehouse for keeping or depositing jute or cotton, shall be liable, on conviction before a Magistrate, to a penalty not exceeding one hundred rupees for each day during which he may use or continue to use such jute warehouse as aforesaid.

Penalty for establishing warehouse without license.

12. Any person who shall, without a license use any jute warehouse for keeping or depositing jute or cotton established after the commencement of this Act, shall be liable, on conviction before a Magistrate, to a penalty, not exceeding five hundred rupees, and to a further penalty not exceeding fifty rupees, for every day during which such jute warehouse is used for keeping or depositing jute or cotton without a license.

13. Any person who shall, after the 31st day of the said July, use a jute warehouse for the keeping or depositing of jute or cotton after the Commissioners or Municipal Commissioners shall have refused or cancelled a license in respect thereof, or during the time for which such license shall have been suspended, shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred rupees, and to a further penalty, not exceeding one hundred rupees, for every day during which any such jute warehouse may be so used as aforesaid.

Penalty for using warehouse after refusal of license.

A prospective fine under the corresponding section of Bengal Act VI of 1866 was set aside.—IN THE MATTER OF SAGOR DUTT, 1 B. L. R., O. C, 41.

14. [*Repealed by Bengal Act II of* 1875.]

PART III.

FIRE-BRIGADE.

15. Within six months from the date of the passing of this Act the Commissioners shall organise and thereafter maintain an efficient fire-brigade for the town and suburbs of Calcutta.

Organisation of fire-brigade.

All existing public fire-engines, with the establishments and buildings thereto belonging, except those belonging to the Military Department or to the Port Commissioners incorporated under Act V of 1870, shall be transferred to the fire-brigade to be established under this Act. The Commissioners shall have power to appoint and remove any members or officers of the fire-brigade; and they shall furnish the fire-brigade with all such steam or other fire-engines, horses, oxen, accoutrements, tools, and implements, as may be necessary for the complete equipment of the force, or conducive to the efficient performance of their duties.

16. The Commissioners at a special meeting may frame bye-laws in respect of the following subjects:—

Power to frame bye-laws.

(1.) Giving of gratuities to persons who have given notice of fires.

(2.) Awarding gratuities by way of a gross sum or annual payment to be from time to time awarded to any member of the fire-brigade or other person specially deserving of reward.

(3.) For the training, discipline, and good conduct of the members of the force, not being members of the Calcutta and Suburban Police Force.

(4.) For the speedy attendance of such members with engines and all necessary implements on the occasion of any alarm of fire.

(5.) Imposing and summarily realizing a fine not exceeding one week's wages from any member of the brigade who may infringe these bye-laws.

(6.) And, generally, for the maintenance of the fire-brigade in a due state of efficiency.

Powers of officer in charge of fire-brigade in cases of fire.

17. On the occasion of a fire, the chief or other officer in charge of the fire-brigade on the spot may remove, or may order any member of the brigade to remove, any persons whose presence shall interfere with the due operation of the brigade;

and generally, he may take any measures which may appear necessary for the preservation of life and property;

and he shall have power by himself or by his men to break into or through, or pull down, any premises for the purpose of putting an end to the fire, doing as little damage as possible;

and he may also cause the mains and pipes of any district to be shut off, so as to give greater pressure of water in the place where the fire has occurred.

He may also call on the officer in charge of the Port Commissioners' fire-engine to render such assistance as may be possible in the case of any fire occurring near the river bank.

The chief officer on the spot in charge of the brigade may verbally nominate and depute one or more officers of the brigade to act at a distance, and such officer or officers shall have, for the time being, the like powers as the chief officer himself possesses under this section.

Police officers to render assistance.

Police officers of all grades shall be authorised to aid the fire-brigade in the execution of its duties. They may close any street in or near which a fire is burning, and they may, of their own motion, or on the request of the chief or other officer of the fire-brigade, remove any persons who interfere by their presence with the operations of the fire-brigade.

Damage done to be deemed damage by fire.

Any damage done by the fire-brigade in the due execution of their duties shall be deemed to be damage by fire within the meaning of any policy of insurance of property in Calcutta or the suburbs against fire.

But nothing in this section shall exempt any officer of the police or of the fire-brigade from liability to damages on account of any acts done by him without reasonable cause.

Inquiry into origin of fire.

18. In the case of any fire occurring in Calcutta or the suburbs, the chief officer of the fire-brigade shall ascertain the facts as to the origin and cause of such fire, and shall make a report thereon to the Magistrate having jurisdiction in the place in

which such fire shall have occurred, and the said Magistrate, in any case where he may see fit, shall summon witnesses and take evidence in order to the further ascertainment of such facts.

LICENSES AND PENALTIES.

License for using rockets or fire-balloons.

19. No person shall let off rockets or send up fire-balloons in the town or suburbs of Calcutta without a license from the Commissioner of Police, for which license a fee of ten rupees shall be payable.

License for sale or manufacture of fire-works.

20. No person shall sell or manufacture fire-works in the town or suburbs of Calcutta without a license from the Commissioner of Police, for which a yearly fee of ten rupees shall be payable in advance.

Penalty for using rockets or fire-balloons without license.

21. Whoever shall let off rockets or send up fire-balloons in the town or suburbs of Calcutta without a license, as aforesaid, shall be liable, on conviction before a Magistrate, to a penalty not exceeding fifty rupees for any one such offence.

Penalty for selling or manufacturing fire-works without license.

22. Whoever shall sell or manufacture fire-works in the town or suburbs of Calcutta, without a license as aforesaid, shall be liable, on conviction before a Magistrate, to a penalty not exceeding fifty rupees.

Power to withdraw license.

23. The Commissioner, may at his discretion, and after thirty days' notice, withdraw or suspend any license granted by him under this Act.

Liability of householders.

24. In the event of any rockets being let off, or fire-balloons sent up, within the precincts of any private premises or compound within the town or suburbs of Calcutta, without the express permission in writing of the Commissioner of Police, the occupier or owner, or person under whose immediate control the said premises or compound is, shall be liable to a fine not exceeding fifty rupees, unless he can prove who the person having committed the offence is, and that the offence was committed without his knowledge.

PART IV.

EXPENSES AND FUNDS.

Application of fund.

25. The Commissioners and Municipal Commissioners, respectively, shall apply the monies derived from the fees and penalties levied under this Act within their respective jurisdictions in payment of all expenses incurred by them respectively in or about

the inspection and superintendence of jute warehouses, and the granting of licenses in respect thereof.

Application of balance in Calcutta and the suburbs.

In the case of Calcutta and the suburbs, the balance of such monies, after payment of the said expenses, shall be paid to the credit of an account in the books of the Commissioners, to be called the fire-brigade account, * and shall be applied by the Commissioners for the benefit of the town of Calcutta and the suburbs thereof in such manner as the Lieutenant-Governor of Bengal may direct;

In Howrah.

and in the case of the Municipality of Howrah, the balance of such monies after payment of the said expenses shall be paid to the credit of the Municipal Commissioners of Howrah, and shall be applied by them for the purposes of a fire-brigade, or for such other purposes for the benefit of the Municipality of Howrah as the Lieutenant-Governor of Bengal may direct.

Contribution by Insurance Companies.

26. Every Insurance Company that insures from fire any property within the town and suburbs of Calcutta shall pay annually to the Commissioners, by way of contribution towards the expenses of the said fire-brigade, a sum at the rate of half a rupee for every ten thousand rupees on the gross amount insured by it in respect of such property. All sums paid to the Commissioners under this section shall be credited to the fire-brigade fund. The said payments shall be made quarterly in advance, on such dates as the Commissioners may appoint: and arrears on account of these payments shall be realizable as if they were arrears of rates due to the Commissioners, and all the provisions of †the Calcutta Municipal Consolidation Act, 1876 (passed by the Lieutenant-Governor of Bengal in Council) and of any Act amending the same, shall be applicable, so far as the circumstances will permit, to the recovery of moneys due under this section.

Insurance Companies to make returns.

27. For the purpose of ascertaining the amount to be contributed by every such Insurance Company as aforesaid, every Insurance Company insuring property from fire within the town and suburbs of Calcutta, shall, on the 30th day of June 1872, and on every succeeding 30th day of June, or on such other days as the Commissioners may appoint, make a return to the said Commissioners, in such form as they may require, of the gross amount insured by it in respect of property within the said town and suburbs. At the foot of every such return shall be appended a certificate by the secretary or chief officer or manager of such

* Bengal Act II of 1875, section 7.
† Bengal Act IV of 1876, section 2, para. 4.

Insurance Company in Calcutta, stating that, to the best of his knowledge and belief, the return contains a true and faithful account of the sums insured by the Company to which he belongs in respect of such property.

Inspection of Companies' books.

Such secretary or chief officer or manager shall allow either the chairman or the vice-chairman or the secretary to the Commissioners to inspect, at any time during the hours of business, any books and papers that will enable him to ascertain the correctness of the return; and every secretary or chief officer or manager as aforesaid failing to comply with the requisition of this section in respect of such inspection shall be liable, on conviction before a Magistrate, to a penalty not exceeding fifty rupees for each offence. The Commissioners on receiving the report of such inspection may alter the return accordingly.

The return made in the June of one year, or such return as altered on inspection by the Commissioners, shall be the basis of the contributions for the year, beginning on the first day of January next succeeding.

Penalty for not making a return.

28. If any Insurance Company makes default in making such returns to the Commissioners as are required by this Act, the said Company or secretary or chief officer or manager thereof shall be liable to a penalty not exceeding fifty rupees for every day during which it is so in default.

Proportions of contribution towards payment of expenses of fire-brigade.

29. The cost of all establishments and plant hired or purchased, and of all other charges under Part III of this Act, shall be paid from the fire-brigade fund. The full amount of such charges over and above the moneys which may accrue to the fire-brigade fund under sections twenty-five and twenty-six of this Act, shall be contributed by the Commissioners, and by the Commissioners, of the suburbs in the following proportions, namely,—by the Commissioners, seven-tenths; by the said Commissioners, three-tenths.

Calcutta Commissioners to certify cost of fire-brigade to Commissioners of the suburbs.

At the end of each quarter of a year, the Commissioners shall certify to the said Commissioners the total cost of the fire-brigade for such year, the money which may have accrued under sections twenty-five and twenty-six of this Act, and the precise sum which must be paid by each body charged with the cost of the Calcutta fire-brigade under this Act. On the receipt of such certificate, the said Commissioners shall pay the sum certified against them by the Commissioners: provided that in no case shall the three-tenths payable by the said Commissioners in any year after the first year of the establishment of the fire-brigade exceed the sum of ten thousand rupees.

PART V.

MISCELLANEOUS.

Lieutenant-Governor may declare the warehousing of any other substance to be subject to Act.

30. It shall be lawful for the Lieutenant-Governor of Bengal, on the recommendation of the Commissioners passed by resolution, to declare that any other fibre or any commodity which is stored or deposited in warehouses besides jute or cotton, shall be warehoused and kept subject to the provisions of Part II of this Act. When such declaration shall have been made in the *Calcutta Gazette*, this Act shall be read as if the name or names of the said fibre or commodity had been printed in addition to the words "jute" or "cotton" in the several sections of Part II, wherein the said words "jute" or "cotton" may occur.

Submission of reports.

31. The Commissioners and Municipal Commissioners respectively, shall make a report to the Lieutenant-Governor, as soon as conveniently may be after the 31st July next, showing how the provisions of this Act have been carried out, and specifying the jute warehouses in respect of which licenses have been granted. Such reports shall be forthwith published in the *Calcutta Gazette* And thereafter the Commissioners and Municipal Commissioners shall make a like report once a year at such time as the Lieutenant-Governor shall direct.

Power to arrest.

32. Any person committing any offence in respect of which a penalty is provided by section fourteen or section twenty-four of this Act may, if his name and address be unknown, be arrested by any officer to be by the Commissioners or the Municipal Commissioners within their respective jurisdictions thereunto appointed, and by such officer or any person by him thereunto authorised, or by any officer of police, forthwith conveyed before some Magistrate having jurisdiction in the place in which such offence shall have been committed, or shall be taken to the nearest police station within the said jurisdiction in order that such person may be detained until he can be brought before a Magistrate, or until he shall enter into recognisance with or without sureties for his appearance before a Magistrate.

Offenders to be brought to trial.

33. Whenever such person shall be taken to a police station, the officer in charge of such station shall, as soon as conveniently may be, cause him to be conveyed before some Magistrate having jurisdiction in the matter.

Summary jurisdiction.

34. Whenever any person shall be charged with the commission of any offence under this Act before a Magistrate, such Magistrate may forthwith hear and summarily determine the charge of such offence. Anything made punishable by this Act,

shall be deemed to be an offence within the meaning of the Indian Penal Code, and without the limits of the town of Calcutta, shall be dealt with, save as herein otherwise provided, under the provisions of Chapter XV of the Code of Criminal Procedure.

The reference in this section to the Code of Criminal Procedure is made to the old Code, Act XXV of 1861. In the new Code, Act X of 1872, Chapter XII and the provisions applicable to summons cases take the place of Chapter XV of Act XXV of 1861. *See* section 2, para. 5, Schedule V, of Act X of 1872.

Construction of Act.

35. This Act, so far as it relates to the town of Calcutta, shall be read with, and taken as part of the said *Calcutta Municipal Consolidation Act, 1876, and the subsequent Acts amending the same; and so far as it relates to the suburbs of Calcutta, or to the Municipality of Howrah, it shall be read with and taken as part of †the Bengal Municipal Act, 1876, passed by the Lieutenant-Governor of Bengal Council, and of the subsequent Acts amending the same.

ACT No. III OF 1872.

(Received the assent of the Lieutenant-Governor on the 16th March 1872, and of the Governor-General on the 6th June 1872.)

An Act to amend the Calcutta Port Improvement Act, being Act V of 1870 passed by the Lieutenant-Governor of Bengal in Council, and to amend Act XXII of 1855.

Preamble.

WHEREAS it is expedient to give to the Commissioners for making improvements in the Port of Calcutta a like indemnity to that which is given to the East India Company by section 61 of Act XXII of 1855, and otherwise to amend the said Act; It is hereby enacted as follows:—

Indemnity to Port Commissioners against default of officers, &c.

1. The said Commissioners shall not be answerable for any act or default of any Conservator or Harbour Master of the said port, or of any Deputy or Assistant of the said officers, or of any person acting under the authority or directions of any such officer or assistant, heretofore or hereafter done within the limits of the said port; nor for any damage or injury heretofore

---

* Bengal Act IV of 1876, section 2, para 4.

† Bengal Act V of 1876, section 2, para 4, and section 3, para 1.

or hereafter sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other thing belonging to the said Commissioners within the said port which may be used by such vessel.

Provided that nothing in this section shall protect the said Commissioners from an action in respect of any act done by or under the express order or sanction of the said Commissioners.

Repeal of section 23, Act XXII of 1855

2. Section 23 of the said Act XXII of 1855 is hereby repealed, so far as the same affects the Port of Calcutta, but such repeal shall not affect any act done or liability incurred under the said section.

Commissioners may raise wreck, &c., and recover expenses.

3. If any vessel with or without cargo shall be wrecked, stranded, or sunk within the limits of the said port, the Commissioners may, in any case, cause the same to be raised, removed, or destroyed; or they may call on the owner, master, or consignee thereof, to cause the same to be raised, removed or destroyed; and if the said owner, master, or consignee, when called upon, shall refuse or neglect forthwith so to do, the Commissioners in that case also may cause the same to be raised, removed, or destroyed. Unless all expenses in or towards executing any works undertaken by the Commissioners under this section shall be repaid within one month after the completion thereof, the Commissioners may recover the same in the manner provided by the next succeeding section.

Calculation of expenses.

The amount claimable and due under this section shall include all monies expended, reasonable remuneration for labor and for the use of the property and appliances of the Commissioners, and a further sum of twenty per cent. on the total amount so due in respect of monies expended and of remuneration.

Settlement of dispute.

If any dispute shall arise concerning the amount due to the Commissioners under this section, the same shall be determined by a Magistrate, who, upon application made to him for that purpose, shall have power to determine such amount, and to award such costs as he shall think reasonable to be added to or deducted from the amount due under this section as he shall direct; and whose decision shall be final.

Sale of property if unclaimed, or if expenses unpaid

4. If the property recovered under the next preceding section is unclaimed, or if the person claiming the same refuses or neglects to pay the amount due to the Commissioners under the next preceding section in respect thereof, such property, if of a perishable nature, may be sold forthwith, and if not of a perishable nature, may be detained by the Commissioners at the risk and

expense of all parties interested therein, and may be sold at any period not less than two months after the recovery thereof by public auction, and after the realization of the proceeds thereof, the amount due to the Commissioners as aforesaid shall be deducted therefrom and paid to the Commissioners, and the balance shall be paid to the person entitled to recover on his applying for the same; provided that such application be made within one year from the sale of such property, or good reason to the satisfaction of the Commissioners be shown why such application was not made. Otherwise such balance shall be held by the Commissioners, upon trust for the purposes of the said Act V of 1870.

5. [*Repealed by Act No. XII of* 1875.]

Duty of police officers.

6. It shall be the duty of all police officers to give immediate information to the Commissioners of any offence committed contrary to the provisions of the said Act V of 1870, or of the *Indian Ports Act, 1875, or of any bye-laws or rules having the force of law prescribed in accordance therewith. Any police officer may arrest any person committing, in his view, any offence against any of the said provisions, if the name and address of such person be unknown. Such person may be detained at the station-house until his name and address shall be correctly ascertained.

Construction of Act.

7. This Act shall be read with and taken as part of the said Act V of 1870, and of the said *Indian Ports Act, 1875.

ACT No. I OF 1873.

(Received the assent of the Lieutenant-Governor on the 15th February 1873, and of the Governor-General on the 7th March 1873.)

An Act to amend the Salt Act, 1864.

Preamble.

WHEREAS by "The Salt Act, 1864," being Bengal Act VII of 1864, section 3, it is enacted that the word "Magistrate" means any person exercising the full powers of a Magistrate under the Code of Criminal Procedure, Act XXV of 1861; and whereas the said Act XXV of 1861 has been repealed by the Code of Criminal Procedure, Act X of 1872, by which later enactment new rules have been enacted, assigning the several powers of Magistrates of the first, second, and third classes:

* Act No. XII of 1875, section 3, para. 3.

And whereas reference is made in The Salt Act, 1864, to Act XIII of 1855 (*for regulating the. Police of the Town of Calcutta &c.,*) and Act XLVIII of 1860 (*to amend Act XIII of* 1856), which enactments have been repealed, so far as they relate to the Town of Calcutta, by "The Calcutta Police Act, 1866," being Bengal Act IV of 1866:

It is hereby enacted as follows:—

Power of Magistrate under the Salt Act, 1864.

1. All the powers which, under the provisions of The Salt Act, 1864, may be exercised by a Magistrate, may be exercised by a Magistrate of the first or second class, subject to the provisions of section 20 of the Code of Criminal Procedure.

Offences under Salt Act to be tried by whom.

2. All offences punishable under the provisions of The Salt Act, 1864, may be inquired into and tried by a Magistrate of the first or second class.

Certain references in Salt Act to to be taken to be made to Calcutta Police Act.

3. All references made to the said Act XIII of 1856, and the said Act XLVIII of 1860, in the Salt Act, 1864, shall be taken to be made to the Calcutta Police Act, 1866.

ACT No. IV OF 1873.

(*Received the assent of the Lieutenant-Governor on the* 21*st April* 1873, *and, of the Governor-General on the* 25*th June* 1873.)

An Act for Registering Births and Deaths.

Preamble.

WHEREAS it is expedient to provide the means for a complete register of births and deaths; It is hereby enacted as follows:—

The Lieutenant-Governor may direct registration of births and deaths in any area and may define limits of such area.

1. The Lieutenant-Governor may, at any time, by a notification published in the *Calcutta Gazette*, direct that all births and deaths, or all births, or all deaths, occurring within the limits of any area after a certain date to be named in such notification shall be registered, and for that purpose may define the limits of such area.

From and after such date this Act shall apply to the whole of the area so defined.

The Act is in force in the town of Naraingunge in the district of Dacca, *Calcutta Gazette*, 1874, p. 1746; in the town of Bramunboriah in the district of Tipperah, *ibid*, 1875, p. 1123; in the town of Bettiah in the district of Chumparun, *ibid.*; in the towns of Sewan and Revilgunge in the district of Sarun, *ibid.*, p. 1418; in the chowkeedaree unions of Nowada and Jehanabad in the Gya district, *ibid.*, 1876, p. 60; in the chowkeedaree union of Aurungabad in the Gya district, *ibid.*, p. 81; in the town of Barisaul, *ibid.*, p. 253; in the town of Furreedpore, *ibid.*, p. 254; in the towns of Rampore Beauleah, Nattore, Maldah and English Bazar, Rungpore and Julpigoree, *ibid.*, p. 291; in the townships of Berhampore,

Lallbagh, and Jungypore in the Moorshedabad district, and in the townships of the North Suburban Town, Nowabgunge, Bagjulla, Kadihatty, and Augurpara in the 24-Pergunahs, *ibid.*, p. 292; in the town of Buxar, *ibid.*, p. 372; in the towns of Bankoora, Bishenpore, and Sooree, *ibid.*, p. 448; in the cantonments of Barrackpore and Dum-Dum, *ibid*, p. 954; in the town of Balasore, *ibid.*, pp. 1121, 1540; in the town of Hajeepore and the union of Seetamurhee in the Mozafferpore district, and in the town of Cuttack, *ibid.*, p. 1268; in the town of Nusseerabad in the Mymensingh district, *ibid*, p 1285; in the town of Jamalpore in the same district, *ibid.*, p. 1299; in the town of Motiharee, *ibid.*, p. 1343; in the towns of Meherpore and Comercolly in the Nuddea district, and in the chowkeedaree union of Kotechandpore in the Jessore district, *ibid.*, p. 1426; in the town of Kandie in the Moorshedabad district, *ibid.*, p. 1427; in the Dinapore cantonment and the Dinapore Nizamut, *ibid.*, p. 1456; in the towns of Culna, Cutwa, Raneegunge, Tumlook, and Ghatal, *ibid.*, pp 1482, 1483; in the town of Madhoobunnee, *ibid*, 1877, p. 506; in the South Suburban Town in the 24-Pergunnahs, *ibid.*, p. 1441; in the towns of Baidyabatti, Bhuddressur and Kotrung in the district of Hooghly, *ibid.*, p. 1534; in the municipalities of Sherpore, Kishoregunge, Bazitpore, and Jamalpore in the Mymensingh district, *ibid.*, 1878, p. 58.

Magistrate may divide area into districts, and may appoint registrars.

2. The Magistrate of the district may, for the purpose of such registration, divide any such area into such and so many districts as he may think fit, and may appoint one or more persons to be registrars of births or of deaths, or of births and deaths, within such district, and may, at any time, for sufficient reason, dismiss any such registrar, and may fill up any vacancy in the office of registrar.

Magistrate to publish list of registrars.

The Magistrate shall cause to be published, a list containing the name and place of office of every registrar in the area, and specifying the hours of the day during which such registrar shall attend at his office for the purpose of registration.

Every registrar to have an office in his district.

3. Every registrar shall have an office within the district of which he is appointed registrar, and shall cause his name, with the addition of registrar of births (or of deaths, or of births and deaths, according to his appointment) for the district for which he is so appointed, and notice of the hours during which he will attend for the purpose of registration, to be affixed in some conspicuous place on or near the outer door of his office.

Commissioners to have registered books prepared and numbered.

4. The Magistrate shall cause to be prepared a sufficient number of register books for making entries of all births or deaths, or both, according to such forms as the Lieutenant-Governor may from time to time sanction; and the pages of such books shall be numbered progressively from the beginning to the end; and every place of entry shall be also numbered progressively from the beginning to the end of the book, and every entry shall be divided from the following entry by a line.

Registrar to inform himself of and register births and deaths.

5. Every registrar shall inform himself carefully of every birth, or of every death, or of both, according to his appointment, which shall happen in his district, and shall register, as soon as conveniently may be, after the event, without

fee or reward, the particulars required to be registered, according to the forms mentioned in the last preceding section, touching every such birth or every such death, as the case may be, which shall not have been already registered.

Chowkeedar to obtain particulars and to report to registrar.

6. Every chowkeedar or other village watchman in any area to which this Act shall apply, or where there is no chowkeedar or other village watchman, such person as the magistrate may appoint, shall be required to report every birth or death occurring within his beat to such registrar and at such periods as the magistrate may direct. He shall obtain in writing, if possible, and if it is impossible for him to obtain in writing, he shall obtain verbally, from any person who is bound to give information of the birth or death all particulars which are required to be known and registered, and he shall report such particulars to the registrar.

Penalty for neglect.

Any chowkeedar or other village watchman or other person so appointed, who wilfully or negligently refuses or omits to produce such writing, if any, or to report such birth or death, shall be punishable at the discretion of the magistrate with fine which may extend to two rupees.

Persons bound to give information of birth.

7. The father or mother of every child born within such area, or in case of the death, illness, absence, or inability of the father and mother, the midwife assisting at the birth of such child shall, within eight days next after the day of every such birth, give information, either personally or in writing, to the registrar of the district, or by means of the chowkeedar or other village watchman or other person, as provided in the last preceding section, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the birth of such child.

Penalty for neglect.

Any person who refuses or neglects to give any information, which it is his duty to give under this section, shall be punishable at the discretion of the Magistrate with fine which may extend to five rupees; provided that not more than one person shall be punishable at the discretion of the Magistrate for such refusal or neglect to give information.

Persons bound to give information of death.

8. The nearest male relative of the deceased present at the death, or in attendance during the last illness of any person dying within such area, or, in the absence of any such relative, the occupier of the house, or, if the occupier be the person who shall have died, some male inmate of the house in which such death shall have happened, shall, within eight days next after the day of such death, give information

either personally or in writing to the registrar of the district, or by means of the chowkeedar or other village watchman or other person, as provided in section six, according to the best of his knowledge and belief, of the several particulars hereby required to be known and registered, touching the death of such person; provided that no person shall be bound to give the name of any female relative.

Penalty for neglect.

Any person who refuses or neglects to give any information, which it is his duty to give under this section, shall be punishable at the discretion of the Magistrate with fine which may extend to five rupees; provided that not more than one person shall be punishable for such refusal or neglect to give information.

Penalty for registrar refusing to register.

9. Any registrar who refuses or neglects to register any birth or death occurring within his district, which he is bound to register, within a reasonable time, after he shall have been duly informed thereof, or demands or accepts any fee or reward or other gratification as a consideration for making such registry, shall be punishable at the discretion of the Magistrate with fine which may extend to fifty rupees for each such refusal or neglect.

Penalty for wilfully giving false information.

10. Whoever wilfully makes or causes to be made, for the purpose of being inserted in any register of births or deaths, any false statement touching any of the particulars required to be known and registered, shall be punishable at the discretion of the Magistrate with a fine not exceeding fifty rupees.

In a first class Municipality the Commissioners may arrange for keeping a register of births or deaths, or both.

11. In any place to which the *District Municipal Improvement Act shall have been extended, the Municipal Commissioners may, if at a meeting specially convened for considering such question they shall so determine, arrange for keeping a register of all births, or of all deaths, or of all births and deaths, occurring within the Municipality. On and after a date to be fixed at such meeting, the Commissioners shall, in such case, be authorized to provide out of the municipal fund for the employment of a sufficient number of registrars, and for the expenditure necessary for the maintenance of such registers, and shall exercise all the powers of a Magistrate under this Act; and all the provisions of this Act shall be deemed to apply to such place.

Magistrate may depute a subordinate Magistrate to discharge the functions of the Magistrate.

12. The Magistrate of a district may depute any subordinate Magistrate to exercise the powers and to perform the duties vested in the Magistrate by this Act, within such district or any part thereof.

---

* Bengal Act V of 1876, section 2, para. 4, and section 3, para. 1.

ACT No. V OF 1873.

(Received the assent of the Lieutenant-Governor on the 16th August 1873, and of the Governor-General on the 13th September 1873.)

An Act to provide for the levy of a lighting-rate in Howrah.

Preamble.

WHEREAS it is desirable to make further provisions for lighting the town of Howrah with gas, by imposing a rate on those persons who benefit thereby; It is hereby enacted as follows:—

Limits of the Town of Howrah.

1. The expression "the town of Howrah" in this Act shall be taken to mean the area of the Howrah Municipality, as defined by the Lieutenant-Governor, under the provisions of section 3 of the *District Municipal Improvement Act, being Bengal Act III of 1864.

Municipal Commissioners may submit to the Lieutenant-Governor a plan for lighting.

2. It shall be lawful for the Municipal Commissioners, from time to time, to submit to the Lieutenant-Governor for his sanction a plan for lighting with gas any portion of the town of Howrah, whether so lighted already or not, such portion of the said town having been previously defined by the Municipal Commissioners at a meeting held for that purpose.

Publication and consideration of plan.

The Lieutenant-Governor shall cause the plan to be published for one month in the *Calcutta Gazette*, and the Municipal Commissioners shall publish it in the vernacular in the town of Howrah; and after such publication, and after consideration of any objections which may be raised to it, or alterations suggested in it, the Lieutenant-Governor may, if satisfied that the lighting proposed in the plan is proper and sufficient, sanction such plan; or may refuse his sanction thereto; or may return it to the Municipal Commissioners for alteration in certain particulars to be specified by him, and, when altered, may sanction it as altered. The Lieutenant-Governor shall cause his sanction to any plan to be notified in the *Calcutta Gazette*, and shall at the same time cause the plan sanctioned to be published in the said *Gazette*.

Lighting-rate not exceeding three per centum may, after sanction of plan, be imposed on houses, buildings, and lands.

3. After notification by the Lieutenant-Governor as in the last preceding section mentioned, it shall be lawful for the Municipal Commissioners to impose an annual rate not exceeding three per centum of their annual value upon all houses, buildings, and lands situated within such portion of the said town for the purpose of defraying the whole expense of lighting.

* Bengal Act V. of 1876, section 2, para. 4, and section 3, para. 1.

Provided that, as regards any portion of the said town already lighted with gas, and for the future lighting of which a plan shall have been sanctioned by the Lieutenant-Governor under the provision of the last preceding section, if it shall appear that the estimated proceeds of the said rate at three per centum will not be sufficient to defray the whole expense of such lighting, it shall be lawful for the Municipal Commissioners to impose a rate sufficient to defray the whole expense of lighting such portion.

Proviso as to portions already lighted.

4. The rate imposed under section three upon houses, buildings, and lands, shall be paid by the occupiers thereof by quarterly instalments in advance; but no rate shall be leviable until the lamps in the portion of the town to be lighted shall have been lighted; nor shall any rate be leviable for any quarter or portion of a quarter antecedent to such lighting.

Rate payable by occupiers quarterly in advance.

Arable lands and lands used for pasturage, and buildings used exclusively as places of public worship, or applied solely to charitable purposes, shall not be liable to the rate.

Arable lands, &c., exempted from rate.

5. The annual value of the said houses, buildings and lands shall be the value fixed by the Municipal Commissioners year by year under the provisions of section 27 of the * District Municipal Improvement Act. And all the provisions of the said Act, and of †Bengal Act VII of 1867, relating to the assessment and collection of the rate on houses, buildings, and lands shall, except so far as they are modified by the provisions of this Act, be applicable to the assessment and collection of the lighting-rate.

Annual valuation how to be made. Assessment and collection.

6. If any house, building, or land shall be occupied by more than one tenant holding in severalty, or shall be of less annual value than one hundred rupees, it shall be lawful for the Municipal Commissioners to recover the rate from the owner of such house, building, or land.

Power to assess owners in certain cases.

7. Whenever any rate shall be recovered from any owner of any house, building, or land under the provisions of the last preceding section, it shall be lawful for such owner, if there shall be but one occupying tenant of such house, building, or land, to recover from such tenant the entire amount of the rate which shall have been so paid by such owner; and if there shall be more than one occupying tenant of such house, building, or land, then

Owner to recover from the occupier rates paid by owner.

* Bengal Act V. of 1876, section 2, para. 4, and section 3, para. 1.
† Bengal Act V. of 1876, section 2, para. 1.

to recover from each of such tenants such sum as shall bear to the entire amount of rate which may have been so recovered from such owner, the same proportion as the value of the portion of such house, building, or land in the occupation of such tenant bears to the entire value of such house, building, or land, subject, however, to the provisions of section eight of this Act.

Owner may recover rate so paid as rent

8. Every owner who, under the provisions of the last preceding section, may be entitled to recover any sum from any occupying tenant of any house, building, or land, or of any portion thereof, shall have for the recovery of such sum all such and the same remedies, powers, rights, and authorities as if such sum were rent payable to such owner by such tenant in respect of so much of such house, building, or land as may be in the occupation of such tenant.

Occupier liable to the rate for time of occupation only.

9. Every occupier shall be liable to the lighting-rate for the time of his occupation. When any person shall have been an occupier for a part only of any quarter, he shall be liable only for so much of the rate for that quarter as may be proportionate to the number of days during which he shall have been an occupier. If he shall have paid the rate in advance, the amount paid in excess of the sum due under this section shall be refunded.

No rate to be charged during vacancy.

No such rate shall be chargeable to any person on account of any unoccupied house, building, or land for the time during which it may remain unoccupied.

Notice of cessation of occupancy to be given within seven days.

Provided always that when any person ceases to be the occupier of any house, building, or land upon which the rate has been assessed, he shall give the Municipal Commissioners notice thereof within seven days from the date of the cessation of his occupancy.

Effect of failure to give notice.

If the occupier fail to give such notice within such period, he shall be liable to the rate assessed on such house, building, or land for the whole quarter, although he may have occupied for a part only of such quarter; and in cases to which the provisions of section six of this Act apply, the rate assessed on such house, building, or land for the whole quarter shall be recoverable from the owner, if such owner has failed to give notice that such house, building, or land is unoccupied, within seven days from the date on which it ceased to be occupied.

Unknown owner or occupier how to be designated.

10. When the name of the owner or occupier of any house, building, or land is not known, it shall be sufficient to designate him in any notice served, or proceeding held under this Act, as the owner or the occupier of the house, building, or land on which the rate is assessed, and without further description.

Situation of gas-pipe or other gas-work to be altered at the expense of the Commissioners.

11. If the Municipal Commissioners deem it necessary, for the purposes of this Act, to raise, sink, or otherwise alter the situation of any gas-pipe, or other gas-work, laid in any portion of the said town, they may from time to time, by notice in writing, require the person to whom any such pipe or work belongs, or under whose control it may be, to cause forthwith, or as soon as conveniently may be, any such pipe or work to be raised, sunk, or otherwise altered in position, in such manner as the Commissioners may direct; provided that such alteration be not such as permanently to injure such pipe or work, or to prevent the gas from flowing as freely and conveniently as before; and the expenses attending such raising, sinking, or altering, and full compensation for the damage done thereby, shall be paid by the Commissioners out of the Municipal Fund as well to the person to whom such pipe or work belongs as to all other persons.

If owner, &c., neglect to make alterations, the Commissioners may cause the same to be made.

12. If the person to whom any such pipe or work belongs, or under whose control it may be, do not proceed forthwith, or as soon as conveniently may be, after the receipt of such notice, to cause the same to be raised, sunk, or altered in such manner as the Municipal Commissioners require the Commissioners may themselves cause such pipe or work to be raised, sunk, or altered as they may think fit, provided that such works be not permanently injured thereby, or the gas prevented from flowing as freely and conveniently as before.

Construction of Act.

13. This Act shall be construed with, and as part of the *District Municipal Improvement Act.

THE BENGAL EMBANKMENT ACT, 1873.

CONTENTS.

PREAMBLE.

PART I.

PRELIMINARY.

SECTION.

1.—Short title.
Extent.
Commencement.
2.—Repeal of Acts.
3.—Interpretation clause.

* Bengal Act V. of 1876, section 2, para 4, and section 3, para. 1.

PART. II.

POWERS OF COLLECTOR AND PROCEDURE THEREON.

4.—Powers of Collector.
Power to take charge of embankments.
Power to remove embankments and obstructions.
Power to change line of embankment.
Power to improve drainage.
Power to alter roads and construct watercourses.
Applications for sluices to be made to Collector.
Application for new embankment or drainage to be made to Collector.
5.—Procedure.
6.—Publication of proclamation.
7.—Proclamation to be published for thirty days.
8.—Hearing of objections to works
9.—Procedure when lands likely to be affected by works are in different districts.
Or in different divisions.
10.—The Collector may delegate certain powers to Engineer.

PART III.

PROCEDURE IN CASES OF IMMINENT DANGER TO LIFE AND PROPERTY.

11.—Proceedings in emergencies.
12.—Power to take possession of land.
13.—Compensation for standing crops and trees.
14.—Power to Engineer to act in absence of Collector.
15 —Power to restore embankments, etc.
16.—Section 9 to apply to proceedings under this Part.

PART IV.

POWERS OF ENGINEER.

17.—Engineer subject to control of Collector.
18.—Power to make repairs.
19.—Power to alter railroads or construct watercourses.
Expenses.
20.—Power to make temporary roadway, watercourse, or dam.
Deposit of expenses.
21.—Power to remove houses.
When delay is likely to be attended with imminent danger.
22.—Sluices to be opened or shut under authority of the Engineer.
23.—Power to appropriate land or earth for embanked towpath.
24.—General powers of Engineer.
Previous notice of entry.
Payment for damage.

PART V.

Acquisition of Lands.

25.—Acquisition of land.
26.—When land taken, proclamation to be published.
27.—Contents of proclamation.
28.—Further notice to be served on certain parties.
29—Proceedings after notice.
30.—Compensation for consequential damage.
31.—Application to be made within two years.
32.—Procedure for such compensation.
33.—Matters to be considered in determining compensation.
Matters not to be considered.
34.—Land, &c., taken possession of, to vest in Government.

PART VI.

Cost of Works, Proceedings, &c.

1. *Ascertainment thereof.*

35.—Embankments in Schedule D.
Exclusion from schedule.
Addition to schedule.
36—Contribution towards maintenance of embankments in pergunnahs in Schedule D to be continued.
If such embankments are declared public, Collector to keep a separate account when contribution may be discontinued.
37.—Estimates and specifications to be prepared.
Notices of receipt of specifications and estimates to be served.
38.—Preparation and settlement of accounts.
Notice of receipt thereof to be served.
39.—Total sum payable.
Interest.
40.—Parties liable to pay.
Zemindar may recover from proprietor of tenure.

2. *Apportionment thereof.*

41.—Notice to be given before apportionment.
42.—Mode of inquiry as to the proportion chargeable to each estate.
43.—Names of proprietors.
44.—Apportionment amongst zemindars.
Embankments on the right bank of the river Gunduck.
Embankments in pergunnahs in Schedule E.
45.—Apportionment amongst proprietors.
46.—Apportionment where the lands held without payment of rent, not being estates on the register of revenue-fee tenures.

47.—Amount apportioned payable by instalments.
Interest.
48.—Final order of apportionment.
3. *Recovery thereof.*
49.—Orders for payment.
50.—Recovery from zemindars.
51.—Recovery by zemindars or proprietors.

PART VII.

MISCELLANEOUS.

52.—Penalty for obstructing persons in exercise of powers of Act.
53.—Penalty on unauthorized interference with embankments or drainage.
54.—Penalty for injuring works under Act.
55.—Penalty for diverting rivers, for permitting cattle to graze on embankments, &c.
56.—Obstructions to be removed and damage repaired.
57.—Service of notices, &c.
58.—No proceedings to be impeached for want of form.
59.—Appeal from orders made on objection.
60.—Orders to be final.
61.—Powers on inquiry and appeal.
62.—General control of Commissioner and Government.
63.—Disposal of lands no longer required for embankments.
Application of proceeds of lands.
64.—Collector may delegate any of his powers to a Deputy Collector.
65.—Jurisdiction.
66.—Saving of Bengal Act V of 1871.
FIVE SCHEDULES.

ACT No. VI OF 1873.

(Received the assent of the Lieutenant-Governor on the 2nd December 1873, and of the Governor-General in the 20th idem.)

An Act to amend the law relating to Embankments and Watercourses.

WHEREAS it is expedient that provision should be made for the better construction, maintenance, and management of embankments and watercourses in the territories subject to the Lieutenant-Governor of Bengal; It is enacted as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be called "The Bengal Embankment Act, 1873."

Extent.

It extends to the whole of the territories subject to the Lieutenant-Governor of Bengal, except the province of Orissa and the Sunderbuns, as defined under the provisions of Clause 2, Section 13, Regulation III of 1828.

Commencement.

And it shall come into force on the day of the passing thereof.

Repeal of Acts.

2. From such day Act No. XXXII of 1855 (*relating to embankments*) and Bengal Act No. VII of 1866 (*to make better provision for the acquisition of land for embankments and other matters relating thereto*) shall, except so far as relates to the province of Orissa and the said Sunderbuns, be repealed.

Interpretation clause.

3. The following words shall, for the purposes of this Act, have the meanings hereby declared, save where, from the context, a contrary intention appears:—

"Estate."

"Estate" means (1)—Any land or share in land subject to the payment to Government of an annual sum, in respect of which the name of a proprietor is entered on the register, known as the General Register of all revenue-paying estates, or in respect of which a separate account may, in pursuance of section 10 or section 11 of Act XI of 1859, have been opened;

(2)—Any land entered in the register of revenue-free tenures;

(3)—Any land acquired under any rules issued by or under authority of Government for the sale, grant, or clearance of waste lands.

"Embankment."

"Embankment" includes every bank, dam, wall, and dyke, made or used for excluding water from, or for retaining water upon any land, and every sluice, spur, groyne, training wall, or other work annexed to or portion of any such embankment, and every bank, dam, dyke, wall, groyne or spur made or erected for the protection of any such embankment or of any land from erosion or overflow by or of rivers, tides, waves, or waters; and also all buildings intended for purposes of inspection and supervision.

"Watercourse."

"Watercourse" includes a line of drainage, weir, culvert, pipe, or other channel for the passage of water, whether natural or artificial.

"Zemindar."

"Zemindar" means all or any of the holders of an estate; and where two or more zemindars are jointly holders thereof, they shall be jointly and severally liable under this Act.

"Tenure."

"Tenure" includes all interests in land other than estates as above defined, held permanently at a fixed rental or held lakhiraj.

"Proprietor" "Public Embankment."

"Proprietor" means the holder of a tenure.

"Public embankment" means an embankment maintained by the officers of Government.

"Public watercourse."

"Public watercourse" means any water-course under the charge of the officers of Government.

"The Engineer."

"The Engineer" means the District Engineer or any engineer specially appointed by the Lieutenant-Governor of Bengal to perform the functions of an engineer under this Act.

"Collector."

"Collector" means any Collector, Deputy Collector, or other Revenue Officer in independent charge of any district or portion of a district or specially appointed by the Lieutenant-Governor of Bengal to perform the functions of a Collector under this Act.

"District."

"District" means the portion of territory throughout which any person vested with the powers of a Collector is authorized to exercise such powers.

"Land."

"Land" includes interests in land and benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth.

PART II.

POWERS OF COLLECTOR AND PROCEDURE THEREON.

Powers of Collector.

4. Under the conditions and in the manner hereinafter provided—

Power to take charge of embankments.

(1.) The Collector may cause any embankment which connects public embankments or forms, by junction with them, part of a line of embankments, or any embankment or water-course which is necessary for the protection or drainage of the neighbouring country to be taken charge of and maintained by the officers of Government.

Power to remove embankments and obstructions.

(2.) The Collector may cause to be removed or altered any embankment which endangers the stability of a public embankment, or any obstruction of any kind which interferes with the general drainage of any tract of land.

Power to change line of embankment.

(3.) The Collector may, when necessary, change the line of or lengthen any public embankment; or make a new embankment in the place of or renew any public embankment; or make an embankment in any place in which he may deem such embankment

required for the protection of any lands, or for the improvement of any watercourse; or make a sluice in any public embankment.

Power to improve drainage.

(4.) The Collector may construct any sluice or watercourse, or effect any alteration in any public watercourse, when such construction or alteration may be required for the improvement of the health, or for the protection of any village or cultivable land.

Power to alter roads and construct water-courses.

(5.) The Collector may call upon the person in charge of any road which interferes with the drainage of any tract of land to alter such road, or to construct any watercourse under or through such road. In the event of such person failing to comply with such requisition in such manner and within such time as the Collector shall prescribe, the said Collector may cause the road to be altered, or a watercourse to be constructed. The expenses of such alteration or construction shall be borne by the person in charge of the said road, so far as the same shall have been incurred on account of insufficient provision having been made at the time of the construction of the said road for the natural drainage then existing.

Applications for sluices to be made to Collector.

(6.) If any landholder, farmer, or cultivator be desirous of having a sluice made in any public embankment for the purpose of drainage or irrigation, he shall make an application in writing to the Collector of the district in which such embankment is situate. The application shall contain such particulars of the land to be drained or irrigated as may enable the Collector to judge of the advantage which may be derived from the work. The Collector shall decide whether it is expedient that such application shall be granted.

Application for new embankment or drainage to be made to Collector.

(7.) Whenever any person is desirous that any new embankment be erected, or that any new watercourse be made, or that any watercourse be obstructed or diverted if such work is likely to interfere with, counteract, or impede any public embankment or any public watercourse, he shall apply to the Collector, and at the time of making such application shall deposit with him a statement of the proposed work. The Collector shall decide whether it is expedient that such application shall be granted.

Procedure.

5. When it shall appear expedient to the Collector that any of the works specified in the last preceding section should be executed, he shall cause to be prepared plans, specifications, and estimates of the proposed works, together with a copy of the survey map showing the boundaries of the villages of the various estates likely to be affected by the said works, and he shall cause a proclamation to

be issued giving notice of his intention to cause such works to be executed. Such proclamation shall be in the form, and state the particulars mentioned in Schedule A annexed to this Act; and the plans, specifications, and estimates of the proposed works, together with a copy of the survey map as aforesaid, shall be kept at the office of the Collector and shall be open to the inspection of any interested person who shall be allowed to take copies thereof. The Collector shall not commence any of such works until final order made in respect thereto under the provisions of sections eight, fifty-nine, and sixty of this Act.

Publication of proclamation.

6. Every such proclamation shall be published by affixing the same at the cutcherry of the Collector, and in the manner provided in the third clause of section fifty-seven.

Proclamation to be published for thirty days.

7. Every such proclamation shall be published not less than thirty days before the day appointed for hearing the persons interested.

Hearing of objections to works.

8. The Collector shall, on the day appointed for the hearing, or on any subsequent day to which the hearing shall be adjourned, hear the objections of any persons who may appear, and, after recording any evidence which they may adduce, shall pass an order in regard to the execution of the proposed works. Notice of such order shall be served on such persons as may have appeared in pursuance of the proclamation.

Procedure where lands likely to be affected by the works are in different districts.

9. If the lands, which are likely to be affected by any such proposed works, are situated within the limits of different districts, the Collector of any district, within which any portion of such lands is situated, shall apply to the Commissioner of the division for authority to proceed in such matter; and the Commissioner of the division, if all the lands are situated within his division, may give authority to such Collector, or to any other Collector within whose district any portion of such lands is situated, to proceed in respect of all the lands likely to be affected by such works.

Or in different divisions.

If the districts, within which the lands likely to be affected by any such works are situated, are subject to the Commissioners of the different divisions, the Collector shall apply to the Commissioner of the division within which his district is situated, and such Commissioner may, with the concurrence of the Commissioner to whom the other district is subject, give authority to proceed in such matter.

The Collector may delegate certain powers to Engineer.

10. All the powers vested in the Collector by section four of this Act may be exercised by the Engineer in cases referred to him by the Collector, subject to the general orders of the Collector.

PART III.

Procedure in Cases of Imminent Danger to Life or Property.

Proceedings in emergencies.

11. Whenever the Collector shall be of opinion that the proceedings commenced by notice under sections five to eight of this Act would cause delay in the exercise of any of the powers conferred upon him by Clauses 2, 3, and 4 of section four, likely to be attended with grave and imminent danger to life or property, it shall be lawful for him forthwith to commence to exercise such powers. Provided that he shall forthwith cause to be prepared the plans, specifications, and estimates of the proposed works, together with a copy of the survey map as provided in section five, and shall cause a proclamation to be issued as provided in that section, giving notice that the work mentioned therein has already been commenced, and thereupon such proceedings and inquiries shall be had as in and by Part II of this Act are directed.

Power to take possession of land.

12. Whenever any land, or earth from any land the property of any person, is required for the purposes of any works commenced in pursuance of the provisions of the last preceding section, or for the purposes of section eighteen in cases where the Collector shall be of opinion that proceedings for the acquisition of such land according to the provisions hereinafter contained in section twenty-five, would cause delay as aforesaid, the Collector shall cause a proclamation to be issued in form in Schedule B annexed to this Act, giving notice thereof at convenient places in the locality in which such land is situated, and he may at the same time take possession of the same for the said purposes.

Compensation for standing crops and trees.

13. The Collector shall ascertain and record the nature and estimated value of the crops and trees (if any) standing on such land, and shall offer adequate compensation to the persons interested. If such offer is not accepted, the value of such crops and trees shall be allowed for in awarding compensation for the land under the provisions of section twenty-nine.

Power to Engineer to act in absence of Collector.

14. The Collector may depute to the Engineer the powers described in sections eleven, twelve, and thirteen subject to his own general orders, and in that case when the Collector is not present the Engineer may, if he shall be of opinion that delay for the purpose of obtaining the orders of the Collector would be attended with grave and imminent danger to life or property, exercise the powers conferred on him by the Collector.

Power to restore embankments, &c.

15. Whenever, upon an inquiry had under the provisions of this Part, it has been determined in the final order to be passed on such inquiry that anything done by the Collector, or

by the Engineer under the last preceding section, was unnecessary, the land or the embankments or drainage shall, so far as any alteration thereof shall appear to be unnecessary, be at the expense of the Government restored as nearly as possible to the state in which they were when the Collector commenced to act under the provisions of this Part; and any person who shall have sustained loss, damage, or injury by the execution of such works, shall receive compensation from the Government to be assessed according to the provisions contained in Part V of this Act.

Section 9 to apply to proceedings under this Part.

16. The provisions of section nine shall be applicable to proceedings taken under this Part.

PART IV.

Powers of Engineer.

Engineer subject to control of Collector.

17. The power conferred on the Engineer under this Part shall be exercised subject to the general control and orders of the Collector.

Power to make repairs.

18. The Engineer may make any repairs in, and may do all acts necessary and proper for the maintenance of any public embankment, public watercourse, or other works executed or taken charge of under the provisions of this Act, or of any of the Acts repealed by this Act.

Power to alter railroads or construct watercourses.

19. The Engineer may call upon the manager, or other person in charge of any railroad which interferes with the drainage of any tract of land, to alter such railroad or to construct any watercourse under or through such railroad. In the event of such person failing to comply with such requisition in such manner and within such time as the Engineer shall prescribe, the Engineer may thereupon, with the previous sanction of the Lieutenant-Governor, cause the said railroad to be altered, or a watercourse to be constructed in such manner as the Lieutenant-Governor shall direct.

Expenses.

The expenses of such alteration or construction shall be borne by the said manager, or other person in charge of the said railroad, so far as the same shall have been incurred on account of insufficient provision having been made at the time of the construction of the said railroad for the natural drainage then existing.

Power to make temporary roadway, watercourse, or dam.

20. Whenever any person is desirous that a temporary roadway should be made over, or that a temporary watercourse should be made through, any public embankment, or that a temporary dam should be constructed in any embanked

river or public watercourse, he shall apply to the Engineer, who shall communicate the application to the Collector, and the Collector shall pass such orders thereon as he shall think fit.

Deposit of expenses.

If the proposed work is to be executed by an officer of Government, the applicant, before the commencement of the work, shall deposit the amount estimated by the Engineer to be necessary to defray the expenses of, and incidental to, making and removing such roadway, or of, and incidental to, making and closing or removing such watercourse or dam. If the amount deposited is found insufficient, the Engineer shall recover from the said applicant the further amount required, and if it exceeds the amount required, such excess shall be returned to the said applicant.

Power to remove houses.

21. Whenever the Engineer shall be of opinion that the removal of any trees, houses, huts, or other buildings, situated between a public embankment and the river, is necessary, he shall make a report to that effect, accompanied by a detailed statement of the trees, houses, huts, or other buildings to be removed, to the Collector of the district in whose jurisdiction the land on which such trees, houses, huts, or other buildings stand, is situated; and the Collector shall report the same to the Lieutenant-Governor in order that proceedings may be taken, in accordance with the provisions of "The Land Acquisition Act X of 1870," or other law for the time being for the acquisition of land for public purposes, for obtaining possession of such trees, houses, huts, and buildings.

When delay is likely to be attended with imminent danger.

Provided always that in case the Collector be of opinion that the delay required by such proceedings is likely to be attended with grave and imminent danger to life or property, it shall be lawful for him forthwith to cause such trees, houses, huts, or buildings to be removed, and in such case the compensation due therefor shall be ascertained and paid in the manner hereinafter provided.

Sluices to be opened or shut under authority of the Engineer.

22. Sluices constructed in any public embankment shall be opened or shut only by or with the general or special permission of the officer in the immediate charge of the embankment, under such orders, either general or special, as he may receive from the Engineer.

Power to appropriate land or earth for embanked towpath.

23. In any case where an embanked towpath has heretofore been maintained by Government alongside any canal, river, khal, or channel, the Engineer shall be entitled to appropriate without payment, as heretofore, land or earth for the maintenance, repair, or reconstruction of such embanked towpath. If in any case the Engineer shall consider it necessary for the purposes of

towing to enlarge an existing towpath, or to construct a new towpath, proceedings shall be taken in accordance with the subsequent provisions of this Act relating thereto.

General powers of Engineer.

24. It shall be lawful for the Engineer, or any person whom he may authorize in that behalf, in order to carry out any of the purposes of this Act,

to enter upon, and survey, and take levels of any land;

to dig or bore into the sub-soil;

to do all other acts necessary to ascertain whether the land is adapted to the purpose projected by such Engineer, or by the Collector;

to set out the boundaries of the land proposed to be taken, and the intended line of the work proposed to be made thereon;

to mark such levels, boundaries, and line, by placing marks and cutting trenches;

and, where otherwise the survey cannot be completed or the levels taken, to cut down and clear away any part of any standing crop, fence, or jungle.

Previous notice of entry.

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

Payment for damage.

The Engineer or other person so authorized shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid, and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector, and such decision shall be final.

PART V.

Acquisition of lands.

Acquisition of land.

25. Whenever in the course of proceedings under this Act, save in those cases in which the Collector has proceeded under the provisions of Part III, it appears that land is required for any of the purposes thereof, proceedings shall be forthwith taken for the acquisition of such land in accordance with the provisions of the Land Acquisition Act X of 1870, or any other law for the time being for the acquisition of lands for public purposes.

When land taken, proclamation to be published.

26. Whenever any land shall have been taken or used under the provisions of Part III, the Collector shall cause a proclamation to be issued in form in Schedule C annexed to this Act at convenient places on or near the land so taken, stating that Government has taken possession of the land,

and that claims to compensation for all interests in such land shall be made to him. Thereupon the land shall vest absolutely in the Government free from all encumbrances, subject however to the claims for compensation to be ascertained in manner as in this Part is provided.

Contents of proclamation.

27. Such proclamation shall state the particulars of the land so taken, and shall require all persons interested in the land to appear personally or by agent before the Collector at a time and place therein mentioned (such time not being earlier than fifteen days after the date of issuing the proclamation), and to state the nature of their respective interests in the land, and the amount and particulars of their claims to compensation for such interest.

Further notice to be served on certain parties.

28. The Collector shall also serve notice to the same effect on the occupier (if any) of such land, and on all such persons known or believed to be interested therein, or to be entitled to act for persons so interested, as reside, or have agents authorized to receive service on their behalf, within the revenue district in which the land is situate.

Proceedings after notice.

29. After service of such notice proceedings shall be had and taken to determine the amount of compensation to be payable in respect of such land, in accordance with the provisions of the Land Acquisition Act X of 1870, or any other law for the time being in force for the acquisition of land for public purposes.

Compensation for consequential damage.

30. Whenever any land other than land required or taken by the Engineer, or any right of fishery, right of drainage, right of the use of water, or other right or property, shall have been injuriously affected by the due exercise of the powers or provisions of this Act, the person in whom such property or right is vested may prefer a claim by petition to the Collector for compensation.

Application to be made within two years.

31. No claim shall be entertained which shall be made later than two years next after the completion of the work by which such right is injuriously affected.

Procedure for such compensation.

32. When any such claim is made, proceedings shall be taken in view to determine the amount of compensation, if any, which should be made and the person to whom the same should be payable, in accordance with the provisions of the Land Acquisition Act X of 1870, or any other law for the time being in force for the acquisition of land for public purposes.

Matters to be considered in determining compensation.

33. In determining the amount of compensation to be awarded in such cases, the Judge and Assessors shall take into consideration—

First, the market value of the property or right injuriously affected at the time of acquiring the land;

Secondly, the damage sustained by the claimant by reason of such acquisition injuriously affecting the property or right;

Thirdly, the consequent diminution of the market value of the property or right injuriously affected at the time of acquiring the land.

But the Judge or Assessors shall not take into consideration—

Matters not to be considered.

First, the degree of urgency which has led to the acquisition;

Secondly, any damage sustained by the claimant, which, if caused by a private person, would not in any suit instituted against such person justify a decree for damages.

Land, &c., taken possession of to vest in Government.

34. All buildings, land, earth, pathways, sluices, gates, bermes, hedges, belonging to, or forming part of, any embankment or watercourse, of which charge has been or may hereafter be taken by the officers of Government, shall vest in the Government, and shall be held on behalf of the Government in respect of the embankments mentioned in Schedule D annexed to this Act, and in respect of other works on behalf of the persons interested in the lands to be protected or benefited by such embankment or watercourse, subject to the provisions of section sixty-three, and all monies received on account of such lands shall be payable to the Engineer and credited to the cost of the construction and maintenance of such works respectively.

PART. VI.

Cost of Works, Proceedings.

1. *Ascertainment thereof.*

Embankments in Schedule D.

35. The provisions in this part contained shall not apply to any of the embankments mentioned in Schedule D to this Act annexed, save so far as any works or repairs are executed therein or in relation thereto under the provisions of section four, clause 7, or section twenty of this Act; or to any of such embankments as may hereafter be erected for the protection of lands which, at the time of the passing of this Act, are protected by the embankments mentioned in the aforesaid schedule, save so far as the erection of such embankments may protect lands not protected by the embankments mentioned in the aforesaid schedule. All sums payable in respect of any works or repairs executed therein, or in relation to the embankments mentioned in the aforesaid schedule except under the provisions of section four, clause 7, or section twenty of this Act, shall be paid by the Government.

Exclusion from schedule.

If at any time after the passing of this Act, on inquiry made by the Collector as far as possible in accordance with the provisions of Part II of this Act, it shall be found that it is unnecessary for the public interests to retain any embankment mentioned in Schedule D, the Lieutenant-Governor may direct that the same shall be no longer included in the said schedule. Provided that the Lieutenant-Governor may restore the same to the said schedule if, on any subsequent inquiry similarly conducted, it shall appear to the Lieutenant-Governor that it is necessary so to do.

Addition to schedule.

The Lieutenant-Governor may, at any time after the passing of this Act, by a notification published in the *Calcutta Gazette*, direct that any embankment not mentioned in Schedule D be included in the said schedule, and the provisions of this section shall apply to such embankment.

Contribution towards maintenance of embankments in pergunnahs in Schedule E to be continued.

36. In accordance with the custom heretofore in force in respect of the pergunnahs entered in Schedule E annexed to this Act, the Government shall continue to contribute annually the sum noted therein for each pergunnah respectively towards the maintenance of the embankments thereof.

If such embankments are declared public, Collector to keep a separate account.

If the embankments maintained in any such pergunnah shall at any time be declared to be public embankments under the provisions of section four, the Collector shall, from the date of such declaration, keep a separate account for such pergunnah, in which the aforesaid sum shall be credited at the commencement of each financial year. The unexpended balance at the close of each year shall be carried on to the credit of the account in the next succeeding year, and shall be available for the cost of repairing or erecting all the embankments which it may be deemed necessary to maintain in such pergunnah.

When contribution may be discontinued.

If at any time after the passing of this Act, on an inquiry made by the Collector as far as possible in accordance with the provisions of Part II, it shall be found that it is unnecessary for the public interest to retain any embankment in either of the said pergunnahs, the Lieutenant-Governor may direct that such contribution shall cease in respect of such pergunnah. Provided that such contribution shall again be made in accordance with the provisions hereinbefore contained if it shall appear to the Lieutenant-Governor, on the report of an inquiry similarly conducted, that the maintenance of any embankment in such pergunnah has again become necessary for the public interest.

37. Specifications of any works or repairs to be executed under the provisions of this Act, and estimates of the expenses to be incurred therein or relating thereto, including such proportion of establishment charges as the Lieutenant-Governor shall direct, shall be prepared by the Engineer as soon after the month of October in each year as may be practicable. And whenever it appears that the actual expenses to be incurred will exceed the amount mentioned in the said estimates by one-tenth, the Engineer shall forthwith prepare further estimates, and, if necessary, further specifications. Copies of all specifications and estimates shall be transmitted to the office of the Collector, together with vernacular translations thereof, or such abstracts thereof as the Lieutenant-Governor may from time to time direct, and may be examined by any person interested in such works or repairs.

Estimates and specifications to be prepared.

Notice of the receipt of specifications and estimates shall be served for all estates chargeable for, or likely to be affected by, the said works or repairs; and should any objection in regard to the amount of such expenses be preferred by any such person within a period of one month from the date of such notice, the Collector shall pass such orders as may appear to him reasonable and proper. Such order shall be subject in any case to an appeal by the person making such objection to the Commissioner of division, whose decision shall be final.

Notice of receipt of specifications and estimates to be served.

38. The accounts of the actual expense incurred in executing any works or repairs shall be prepared as soon as possible after the completion thereof. The Engineer shall sign a certificate stating the true amount of all such expenses, and the names of the estates chargeable for, and of the estates and villages affected by, the said works and repairs. Copies of the said accounts and certificates shall be forwarded to the office of the Collector, and may be there examined by any person interested.

Preparation and settlement of accounts.

Notice of the receipt thereof shall be served for the said estates and villages, and such others as in the opinion of the Collector are liable to contribute to the payment of the said amount; and if, within thirty days from the service of such notice, any interested person shall object to the accounts on the ground, either that the work charged for has not been performed, or that the whole sum charged has not been expended, or that the rates of charge are higher than those mentioned in the estimates, the Collector shall inquire into such objection, and may pass any order thereon, subject in any case to an appeal by the objector to the Commissioner of division, whose decision shall be final.

Notice of receipt thereof to be served.

39. The Collector shall add to the amount appearing in the said certificate, all sums which have been paid or have become payable in respect of compensation, costs, and expenses under and incidental to any proceedings taken or directed to be taken under Parts II and V of this Act, including costs of all surveys and plans. He shall thereupon make an order specifying the total sum found payable, and in respect of works done under section four, clause 5, and section nineteen and twenty, the persons by whom, or in respect of other works, the estates in respect of which, the same is payable to him. If the order is made in respect of work done under section four, clause 5, and sections nineteen and twenty, the same shall forthwith be served upon the party or parties liable to pay; otherwise the Collector shall proceed under the provisions in the next Chapter contained.

Total sum payable.

Interest may be charged upon any sum paid as compensation from the date of payment thereof, at such rate, not exceeding five per centum per annum, as the Lieutenant-Governor may direct.

Interest.

40. The said total sum, save so far as is otherwise provided in this Act, shall be paid to the Collector by the zemindars of the estates in which are situated the lands benefited or protected by the repairs or works executed. Provided that where any specific sum has hitherto been annually demanded in respect of any embankment not included in Schedule D, and when the said embankment is at the time of this Act coming into operation being maintained by Government, then such special payments shall, after the passing of this Act, thenceforth cease and determine.

Parties liable to pay.

Every zemindar, who is liable under this rule for the payment of the whole or a portion of such total sum, shall be entitled to recover from the proprietor of every tenure which is declared to be a part of his estate, the sum apportioned to such tenure by the Collector, under the provisions of section forty-five. And similarly, every proprietor shall be entitled to recover from the proprietor of any subordinate tenure, which is declared to be a part of his tenure, the sum apportioned to such subordinate tenure by the Collector, under the said provisions.

Zemindar may recover from proprietor of tenure.

2. *Apportionment thereof.*

41. So soon as the total sum payable as aforesaid has been ascertained, the Collector shall cause a notice to be served for every one of the said estates and villages mentioned in section thirty-eight. Every such notice shall specify the estates and villages aforesaid, and that an inquiry will be held at a day and place therein named for the purpose of apportioning amongst the zemindars and proprietors the said total sum, with interest and the costs of apportionment.

Notice to be given before apportionment.

42. On the day fixed in the said notice, which shall not be less than thirty days later than the date of any service of such notice, the Collector shall proceed to make the said inquiry. In making this inquiry he shall receive such evidence as may be tendered by, or on behalf of, the said zemindars and proprietors, and by, or on behalf of, any other persons who may claim to be interested therein.

Mode of inquiry as to the proportion chargeable to each estate.

43. In any such inquiry the Collector shall take down in writing the names of all persons who may claim, or who may be alleged by any party interested, to be proprietors of tenures within any of the estates mentioned in such notice. In default of appearance of any such person, the Collector shall issue and serve a notice calling on him to appear at a date and place therein mentioned, and to show cause against being included in the order of apportionment to be made therein, and shall adjourn the inquiry till such date.

Names of proprietors.

44. At such or any subsequently adjourned inquiry, the Collector, if there be only one estate liable, shall charge the zemindar thereof with the total amount payable; and if there be two or more estates, he shall apportion the same amongst the zemindars thereof, rateably in proportion to the respective benefits derived by such estates from such works or repairs; or in proportion to the areas of the lands benefited or protected thereby, and comprised within such estates respectively; or, with the sanction of the local Government, in proportion to the amount of revenue respectively payable for such estates, if, before the passing of this Act, such proportion has been usually adopted.

Apportionment amongst zemindars.

Provided that the said total amount payable in respect of the embankments on the right bank of the river Gunduck shall be chargeable, in accordance with the custom in force for such estates, to the zemindars of all the estates situated in the district of Sarun, in proportion to the amount of revenue respectively payable for such estates.

Embankments on the right bank of the river Gunduck.

Provided also that the sum standing to the credit of a pergunnah in Schedule E in the account kept by the Collector, at the time when the total amount payable is fixed under the provisions of section thirty-nine, shall be deducted from the total amount payable in respect of such portion of any embankment as is situated in such pergunnah; and that the zemindars of the estates situated therein shall be charged only with the balance of the amount (if any) which may remain payable.

Embankments in pergunnahs in Schedule E.

Apportionment amongst proprietors.

45. The Collector shall, in like manner, apportion, except in respect of the said Gunduck embankments, the amount payable in respect of each estate amongst all the tenures therein rateably in the proportion of benefit so received or area so benefited or protected, first deducting therefrom such sum as, on the like principle of proportion, is payable in respect of such portion of the estates as is not included within any tenure.

Appointment where the lands held without payment of rent, not being estates on the register of revenue-free tenures.

46. All lands held without payment of rent not being estates entered in the register of revenue-free tenures, shall, for the purposes of this Act, be deemed to form a part of the tenure within the local boundaries of which they are included; and if they are not included within the local boundaries of any tenure, then to be a part of the estate within the local boundaries of which they are included; and if they are not included within the local boundaries of any estate, then to be a part of such conterminous estate as the Collector, in whose district such conterminous estate is situated, shall, by an order under his seal and signature, declare.

Amount apportioned payable by instalments.

47. The amount apportioned to any estate or tenure shall be payable in equal instalments on such days as the Lieutenant-Governor shall direct, provided that no instalment shall exceed four annas for every acre of land in respect of which the same is payable, and that not more than four instalments shall be payable in any one year.

Interest.

Interest shall be charged on the unpaid portion of the said amount from the date of the same becoming due until payment thereof at such rate, not exceeding five per centum per annum, as the Lieutenant-Governor shall from time to time determine.

Final order of apportionment.

48. On the completion of the apportionment, the Collector shall make an order specifying the estates and tenures, and the several sums payable in respect thereof, the instalments of such sums, and the dates on which the same are payable.

3. *Recovery thereof.*

Orders for payment.

49. The Collector shall, within thirty days from the final order of apportionment, make and serve for every estate therein mentioned an order, stating the amount with interest due in respect thereof, and that the same is payable to him, and the date or dates at which such amount or instalments thereof shall become payable to him.

50. If such sum or any instalment thereof be not, pursuant to the said order, paid, the same with interest shall be recoverable as arrears of a demand under the provisions of Bengal Act VII of 1868 (*to make further provision for the recovery of arrears of land revenue and public demands recoverable as arrears of land revenue*).

Recovery from zemindars.

51. Every zemindar or proprietor, to whom any sum or instalment thereof is payable under the said order, may recover the same with interest as aforesaid in the manner provided for the recovery of arrears of rent in respect of putnee tenures by the provisions of clauses 2 and 3 of section 8, section 9, 10, 14, 15, and clauses 1, 2, and 3 of section 17 of Regulation VIII of 1819, as amended by Bengal Act VIII of 1865; provided that the right or interest of any person holding from the proprietor of such tenure shall not be affected by any sale held under these provisions.

Recovery by zemindars or proprietors.

PART VII.

MISCELLANEOUS.

52. Whoever wilfully obstructs any person duly authorized under this Act in removing or levelling any embankment, house, hut, or other building, or in the lawful exercise of any of the powers in this Act conferred, shall, in case such obstruction shall not amount to an offence within the provisions of the Indian Penal Code, be liable to imprisonment of either description for any period not exceeding six months at the discretion of the Magistrate, or to fine not exceeding two hundred rupees, commutable, if not paid, to a period of imprisonment not exceeding six months.

Penalty for obstructing persons in exercise of powers of Act.

53. Every person who, without the previous permission of the Engineer, shall erect, or cause or wilfully permit to be erected, any new embankment, or shall obstruct or divert, or cause or wilfully permit to be obstructed or diverted, any watercourse, if such embankment or watercourse is likely to interfere with, counteract, or impede, any public embankment or any public watercourse, or shall abet any such act, shall be liable, on conviction, to a fine not exceeding five hundred rupees, or in default of payment, to imprisonment of either description for a period not exceeding six months.

Penalty on unauthorized interference with embankments or drainage.

54. No person shall, without due authority, cut through, or attempt to cut through, any public embankment, or destroy, or attempt to destroy any such embankment, or open or shut, or obstruct any sluice in any such embankment, or any public watercourse; and every person who shall commit any breach of the provisions of

Penalty for injuring works under Act.

this section shall, in case the act shall not amount to mischief within the meaning of the Indian Penal Code, be liable to imprisonment of either description for a term not exceeding one month, or to a fine not exceeding two hundred rupees.

Penalty for diverting rivers or permitting cattle to graze on embankments, etc.

55. Every person who shall make any dam or other obstruction for the purpose of diverting or opposing the current of a river wherein or whereon there are public embankments, without the permission of the officer in immediate charge of the embankments,

or shall refuse or neglect to remove any such dam or obstruction when so required by the Engineer,

or shall cut or otherwise alter the banks of any embanked river,

or shall remove the earth from any public embankment, or shall drive stakes into it, or by any other wilful act destroy or diminish the efficiency of such embankment,

and every person who shall cause or knowingly and wilfully permit any cattle to graze upon any such embankment, or shall tether, or cause or wilfully permit any cattle to be tethered upon any such embankment,

or who shall root up any grass or other vegetation growing on any such embankment,

shall be liable to imprisonment of either description for a term not exceeding six months, or to a fine not exceeding two hundred rupees.

Obstructions to be removed and damage repaired.

56. Whenever any person is convicted of an offence under either of the three last preceding sections, the convicting Magistrate may order that he shall remove the embankment or obstruction, or repair the damage, in respect of which the conviction is held, within a period to be fixed in such order. If such person neglects or refuses to obey such order within the fixed period, the Engineer may remove such embankment or obstruction, or repair such damage, and the cost of such removal or repair shall be levied from such person in addition to any other penalty in the manner provided in section 307 of the Code of Criminal Procedure.

Service of notices, etc.

57. Every proclamation, notice, or order, in and by this Act required to be served, may, unless when otherwise provided, be served—

(1) by delivering a copy of the same to the person to whom it is directed, or on failure of such service by posting a copy on some conspicuous part of the house in which the said person resides, or by delivering a copy to any agent authorized to appear generally for the person to whom such proclamation, notice, or order is directed: or

(2) by sending a registered letter containing a copy of such proclamation, notice or order directed to the said person at his usual place of abode, or at the place where he may be known to reside; or

(3) by posting a copy of the proclamation, notice, or order at the mâl cutcherry of the estate, village, or tenure to which the same relates: or if no such mâl cutcherry be found, on some conspicuous place on the said estate, village, or tenure, and by delivering, in the case of estates paying their annual revenue by four instalments, another copy thereof to the agent who shall have paid an instalment of revenue next before or after the preparation of such proclamation, notice, or order. In all cases where two or more persons are holders of an estate, village, or tenure, service under this clause shall be deemed to be good and sufficient service on each and all of such persons.

No proceedings to be impeached for want of form.

58. No proceedings under this Act shall be impeached or affected by reason of any mistake in the name of any person thereby rendered liable to pay any sum of money, or in the description of any estate or tenure or land in respect of which he is rendered liable to pay; provided the directions of this Act be in substance and effect complied with; and no proceedings under this Act shall, for want of form, be quashed or set aside in any Court of Justice.

Appeal from orders made on objection.

59. Every order passed by the Collector in respect to applications under section four, clauses 6 and 7, or under sections eight, thirty-nine, and forty-eight, shall be appealable to the Commissioner of Revenue, and every order of the Commissioner, except when otherwise directed by this Act, shall be appealable to the Board of Revenue, but no appeal shall lie under this section against any order unless the same be presented within one month from the date of the order.

Orders to be final.

60. Subject to the right of appeal above-mentioned and to the order and control of Government, every order passed under the provisions aforesaid, shall be final, and shall not be open to revision by any Civil Court.

Powers on inquiry and appeal.

61. In any inquiry or appeal held under this Act, the Collector and the Commissioner shall respectively have the same powers as those conferred on Courts by the Code of Civil Procedure of summoning and examining witnesses and compelling the production of documents.

General control of Commissioner and Government.

62. All the powers of a Collector under this Act shall be exercised under the general control and orders of the Commissioner of the Division, and all the powers of Collectors and Commissioners shall be exercised subject to the general control and orders of the Board of Revenue and of the Government.

Disposal of lands no longer required for embankments.

63. Whenever the maintenance of any public embankment, or the retention of any land appropriated to the purposes thereof, may no longer be required, and the permanent relinquishment of the same may be deemed expedient, such land shall be conveyed by the Collector to the proprietor of the land, within the limits of which it may be situated, on payment of the compensation, if any, which was paid for such land when the same was taken for the purpose of the embankment. If the proprietor of such lands refuse or neglect to pay such price within a reasonable time after demand, the same shall be sold by the Collector for such price as he can obtain for the same.

Application of proceeds of lands.

All sums obtained for the conveyance of lands under the provisions of this section, shall, after the payment of all expenses incurred on account of the same, be applied to the payment of the cost of any new embankment or drainage works affecting the said lands, and in such case the residue only of the cost of such new works shall be charged upon the zemindars of estates benefited as hereinbefore provided.

Collector may delegate any of his powers to a Deputy Collector.

64. A Collector may delegate any of his powers under this Act to a Deputy Collector, but from any order passed by a Deputy Collector to whom powers have been so delegated, an appeal shall lie to the Collector if presented within thirty days of the date of the order.

Jurisdiction.

65. All offences created by this Act shall be inquired into and tried by a Magistrate of the first or second class.

Saving of Bengal Act V of 1871.

66. Nothing in this Act shall affect the provisions of "The Hooghly and Burdwan Drainage Act, 1871."

SCHEDULE A.

(*See section* 5.)

All persons interested are hereby required to take notice that it is my intention to

[*here state the nature of the work to be undertaken*] for the purpose of [*state the purpose*]. For the execution of this work the undermentioned land will be required to be taken up :—

1	2	3
Pergunnah in which land is situated.	Name of village in which land is situated.	Area of land.

Plans, specifications, and estimates of the proposed work, together with a copy of the survey map showing the boundaries of the villages of the various estates likely to be affected by the said work, are open for inspection by any interested person at this office who is allowed to take copies thereof.

The total probable cost of such work will be the sum of Rs. , and the rate per acre of the area benefited or protected by the said work is estimated at Rs.

The following estates and villages will probably be affected by the work proposed [*here set out a list of the estates and villages*].

Any person interested and desirous of showing cause against the execution of the works specified, is hereby required to appear before the Collector for that purpose on the day of

The day of

A. B.,
Collector of

SCHEDULE B.

(*See section* 12.)

Notice is hereby given that under the provisions of section 11 of the Bengal Embankment Act, 1873, the land hereunder specified has been taken up, and notice thereof has been given to the Collector of

1	2	3
Pergunnah in which land is situated.	Name of village in which land is situated.	Approximate boundaries and area of land.

The day of

A. B.,
Collector of

SCHEDULE C.

(*See section* 26.)

All persons interested are required to take notice that under the provisions of section 11 of the Bengal Embankment Act, 1873, the Collector of has taken possession on account of the Government of [*here state particulars of the land taken*], and that claims to compensation for all interests in such land must be made to the Collector

All persons having any such claims are therefore required to appear personally or by agent on day of at and to state the nature of their respective interests in such land, and the amount and particulars of their claims to compensation for such interests.

The day of

A. B.,
Collector of

SCHEDULE D.

(*See sections* 34, 35, *and* 40.)

No. 1.

Right Embankment on the Selye River from Isnagore to Kola.

This is a continuous line of embankment on the right bank of the Selye River, 3 miles, 4,780 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Isnagore, of Pergunnah Bogree, and terminates at a masonry pillar in the village of Kola in the said pergunnah.

No. 2.

Right Embankment on the Selye River from Chota Roopram to Narooa.

This is a continuous line of embankment on the right bank of the Selye River, 4 miles, 770 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Chota Roopram, of Pergunnah Bogree, and terminates at a masonry pillar in the village of Narooa in the said pergunnah.

No. 3.

Right Embankment on the Selye River from Srirampore to Ganchia.

This is a continuous line of embankment on the right bank of the Selye River, 7 miles, 2,686 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Srirampore, of Pergunnah Chanderkona, and terminates at a masonry pillar in the village of Ganchia in the said pergunnah.

No. 4.

Left Embankment of the Selye River from Kursi to Kulakuri.

This is a continuous line of embankment on the left bank of the Selye River, 6 miles, 5,265 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Kursi, of Pergunnah Bogree, and terminates at a masonry pillar in the village of Kulakuri, in the said pergunnah.

No. 5.

Left Embankment of the Selye River from Bagputta to Radhachuck.

This is a continuous line of embankment on the left bank of the Selye River, 20 miles, 680 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Bagputta, of Pergunnah Chanderkona, and terminates at a masonry pillar in the village of Radhachuck, of Pergunnah Barda.

No. 6.

Left Embankment of the Darkissur and Sankra Rivers.

This is a continuous line of embankment on the left bank of the Darkissur and Sankra Rivers, 5 miles, 250 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Ramnagur of Pergunnah Byra, and terminates at a masonry pillar in the village of Gasna, of Pergunnah Jehanabad.

No. 7.

Right Embankment of the Darkissur and Jhoomee Rivers.

This is a continuous line of embankment on the right bank of the Darkissur and Jhoomee Rivers, 6 miles, 3,200 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Digra of Pergunnah Byra, and terminates at a masonry pillar in the village of Sowey, of Pergunnah Barda.

No. 8.

Left Embankment on the Bukhshi Khall.

This is a continuous line of embankment on the left bank of the Bukhshi Khall, 6 miles, 4,330 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Bukhshi, of Pergunnah Karijee Mundleghaut, and near the junction of the Roopnarain River and Bukhshi Khall, and terminates at a masonry pillar in the village of Gyghattee in the said pergunnah, where the Gyghattee Khall leaves the Damoodah.

No. 9.

Right Embankment on the Roopnarain River.

This is a continuous line of embankment on the right bank of the River Roopnarain, 29 miles, 2,373 feet, more or less, in length. It commences at a masonry pillar fixed in the ground distant 57 feet south-east by compass from the Machnan masonry sluice on the right bank of the Doorbachatti Khall, in the village of Machnan, of Pergunnah Mundleghaut, and terminates at a masonry pillar at the zero mile-post on the bank of the Tidal Canal,

Reach I. This mile post bears 500 feet south-west by compass from the Canal Toll-house, in the village of Camalpore, of Pergunnah Mysadul.

No. 10.

Right Embankment on the Pyratoongee Khall.

This is a continuous line of embankment on the right bank of the Pyratoongee Khall, 4,410 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Pyratoongee of Pergunnah Tumlook on the Roopnarain embankment, right bank, and terminates at a masonry pillar distant 187 feet west of a temple on the Tumlook Road, in the village of Barpadoobasun in the said pergunnah.

No. 11.

Left Embankment on the Pyratoongee Khall.

This is a continuous line of embankment on the left bank of the Pyratoongee Khall, 4,370 feet, more or less, in length. It commences at a masonry pillar in the ground in the village of Pyratoongee of Pergunnah Tumlook, and on the Roopnarain embankment, right bank, and terminates at a masonry pillar in the village of Barpadoobasun in the said pergunnah.

No. 12.

Right Embankmant on the Gungakhally Khall.

This is a continuous line of embankment on the right bank of the Gungakhally Khall, 3 miles, 3,430 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Soodhapore of Pergunnah Tumlook, on the Roopnarain embankment, right bank, and terminates at a masonry pillar distant 675 feet east of the Rogonathpore masonry sluice, in the village of Syedpore in the said pergunnah.

No. 13.

Left Embankment on the Gungakhally Khall.

This is a continuous line of embankment on the left bank of the Gungakhally Khall, 3 miles, 1,670 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Mysadul, of Pergunnah Tumlook, on the Roopnarain embankment, right bank, and terminates at a masonry pillar distant 170 feet north-east of the Rogonathpore masonry sluice on the right bank of the Gungakhally Khall, in the village of Rogonathpore in the said pergunnah.

No. 14.

Right Embankment on the Soadiggi Khall.

This is a continuous line of embankment on the right bank of the Soadiggi Khall, 2 miles, 3,990 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Soadiggi of Pergunnah Tumlook, on the Roopnarain embankment, right bank, and terminates at a masonry pillar, in the village of Jasamnathpore in the said pergunnah.

No. 15.

Left Embankment on the Soadiggi Khall.

This is a continuous line of embankment on the left bank of the Soadiggi Khall, 2 miles, 1,690 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Soadiggi of Pergunnah Tumlook, on the Roopnarain embankment, right bank, and terminates at a masonry pillar in the village of Hugla in the said pergunnah.

No. 16.

Right Embankment on the Doobachutty Khall.

This is a continuous line of embankment on the right bank of the Doobachutty Khall, 1 mile, 3,510 feet, more or less, in length. It commences at a masonry pillar fixed in the ground at a distance of 550 feet north north-east of the Boodah Factory chimney, in the village of Boodah, of Pergunnah Mundleghaut, and terminates at a masonry pillar distant 57 feet south-east of the Machnan masonry sluice, in the village of Machnan, in the said pergunnah.

No. 17.

Mohunkhally Circuit Embankment.

This is a circuit embankment 28 miles, 3,258 feet, more or less, in length. It commences at a masonry pillar fixed in the village of Kooltigree where the Mohunkhally River runs into the Roopnarain River, and passing along the right bank of the Mohunkhally River through the villages of Joligunsam, Seetapore, Manoo to Basantopore, where the Mohunkhally and Doobachutty Rivers bifurcate, thence skirting the left bank of the Doobachutty River it passes through the villages of Shahpore, Bosorepore, and Barmogria to Kachara, thence skirting the Roopnarain, right bank, it passes through the village of Doodcoura and Bagchina, and terminates at the masonry pillar aforesaid.

No. 18.

Pannah Circuit Embankment.

This is a circuit embankment 9 miles, 3,640 feet, more or less, in length. It commences at a masonry pillar built in the ground on the left bank of the

Selye River, at its junction with the Cossye River, near a temple, in the village of Bargobindoo, Pergunnah Barda. It passes through the villages of Baramdi and Raneebazar on the left bank of the Selye River, and then along the right bank of the Kanta Khall through the villages of Bhaugadow, Parna, Baramdijheel, Tubli, and Dhurmpore, and terminates at the aforesaid pillar.

No. 19.

Ghattal Circuit Embankment.

This is a circuit embankment 10 miles, 1,850 feet, more or less, in length. It commences at a masonry pillar built in the ground on the left bank of the Selye River, at its bifurcation, with the Argor River, and passing along the *left* bank of the Selye River and through the villages of Srirampore, Bassedebpore, and Singpore, it skirts the right bank of the Argora Khall through the villages of Ramchunderpore, Rogonathchuk, and others, and terminates at the masonry pillar aforesaid.

No. 20.

Sheikpore Circuit Embankment.

This is a circuit embankment 18 miles, 5,108 feet, more or less, in length. It commences at a masonry pillar, built in the ground at the bifurcation of the Rivers Sankra and Jhoomee, in the village of Sheikpore, of Pergunnah Boyrah, and passing along the left bank of the Jhoomee River through the villages of Srimanthpore, Anandopore, and Thakooranchuck, thence along the right bank of the Sankra River through the villages of Nursingchuck, Koolat, Goozrat, and others, and terminates at the aforesaid masonry pillar.

No. 21.

Khasbar Circuit Embankment.

This is a circuit embankment 5 miles, 5,240 feet, more or less, in length. It commences at a masonry pillar built in the ground at the point of bifurcation of the Jhoomee and Amada Rivers, in the village of Lalchuck, Pergunnah Barda, and passing along the right bank of the Jhoomee River through the villages of Parbuttichuck, Prosadchuck, and Joybag, and thence along the left bank of the Amada River through the villages of Khasbar, Sowoi, and Lalchuck, it terminates at the aforesaid masonry pillar.

No. 22.

Chetooa Circuit Embankment.

This is a circuit embankment 45 miles, 1,420 feet, more or less, in length. It commences at a masonry pillar built in the ground at the junction of the

Roopnarain River, and Mohunkhally Khall, in the village of Moishgatta, Pergunnah Kharijee Mundleghat, and passing along the left bank of the Mohunkhally Khall, through the villages of Dukinbar, Gowreechuck, Gobindnuggur, and Bosuntopore, thence along the left bank of the Cossye River through the villages of Kola, Moheshpore, Gocoolnuggur, and Islampore, thence along the right bank of the Selye River through the villages of Soorutpore, Rogonathpore, and Konagore, to the junction of the Selye and Roopnarain Rivers at Protabpore, and thence along the right bank of the Roopnarain River through the villages of Hurrishpore, Joleconaram Raneechuck, and Gopeegunge, it terminates at the aforesaid masonry pillar.

No. 23.

Doosaspore Circuit Embankment.

This is a circuit embankment 18 miles, 2,350 feet, more or less, in length. It commences at a masonry pillar built in the ground on the right bank of the Cossye River, distance 704 feet and bearing 200 from the Doosaspore sluice in the village of Doosaspore, of Pergunnah Chetoon, and passing along the right bank of the Cossye River through the villages of Nobinbasdeopore, Koonjpore, Maheshpore Telondee, and Brickobanupore, thence passing along the left bank of the Petooa Khall, through the villages of Futtehpore, Godyepore, and Dhamkola, it terminates at another masonry pillar in the village of Kritibaspore, Pergunnah Chetooa.

No. 24.

Narajole Embankment.

This is ane mbankment 7 miles, 1,735 feet, more or less, in length. It commences at a masonry pillar built in the ground on the left bank of the Cossye River, in the village of Samat, Pergunnah Chetooa, and passing along the left bank of the Cossye River to the village of Mudunmohunpore, and thence along the right bank of the Selye River, through the village of Ramdebpore, it terminates at another masonry pillar in the village of Chandikhally, Pergunnah Chetooa.

No. 25.

Bindabunchuck Embankment.

This is an embankment 2 miles, 800 feet, more or less, in length. It commences at a masonry pillar built in the ground, in the village of Bindabunchuck, Pergunnah Kharijee Mundleghaut, and running along the *right* bank of the Doorbachetti Khall terminates at another masonry pillar in the same village.

No. 26.

Dhangaria Embankment.

This is an embankment 2 miles, 2,520 feet, more or less, in length. It commences at a masonry pillar built in the ground, in the village of Dhangaria, Pergunnah Jehanabad, and running along the *left* bank of the Roopnarain River, terminates at another masonry pillar in the same village.

No. 27.

Right Embankment on the Adjai River.

This is a continuous line of embankment on the right bank of the Adjai River, 7 miles, 3,980 feet, more or less, in length. It commences at a masonry pillar fixed in the ground, in the village of Gourbazar, of Pergunnah Sheregarh, and terminates at a masonry pillar at the junction of the Tomnee Khall with the Adjai River in the village of Kejladee of Pergunnah Shanpahree.

No. 28.

Right Embankment on the Adjai River.

This is a continuous line of embankment on the right bank of the Adjai River, 4 miles, more or less, in length. It commences at a masonry pillar fixed in the ground, near a masonry sluice near the junction of the Toomnee and Balpaharee Khalls, in the village of Bistopore, of Pergunnah Shanpaharee, and terminates at a masonry pillar in the village of Urjunboonee in the said pergunnah.

No. 29.

Right Embankment on the Adjai River.

This is a continuous line of embankment on the right bank of the Adjai River, 11 miles, more or less, in length. It commences at a masonry pillar fixed in the ground, in the village of Satkonea, Pergunnah Shanpaharee, and terminates at a masonry pillar in the village of Sagurposta of Pergunnah Gopeebhoom.

No. 30.

Left Embankment on the Adjai River.

This is a continuous line of embankment on the left bank of the Adjai River, 3 miles, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Singhee of Pergunnah Azmutshahi, and terminates at a masonry pillar in the village of Bamoonea in the said pergunnah.

No. 31.

Right Embankment on the Damoodah River.

This is a continuous line of embankment on the right bank of the Damoodah River, 4,488 feet, more or less, in length. It commences at a

masonry pillar fixed in the ground in the village of Sadipore of Pergunnah Habalee, and terminates at a masonry pillar in the village of Kistopore in the said pergunnah.

No. 32.

Left Embankment on the Damoodah River.

This is a continuous line of embankment on the left bank of the Damoodah River, 107 miles, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Sillia, Pergunnah Champanuggur, and terminates at a masonry pillar in the village of Alipore of Pergunnah Mundleghaut.

No. 33.

Right Embankment on the Damoodah River.

This is a continuous line of embankment on the right bank of the Damoodah River, 1 mile, 260 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Lakea, Pergunnah Habalee, and terminates at a masonry pillar in the village of Bergang in the said pergunnah.

No. 34.

Right Embankment on the Damoodah River.

This is a continuous line of embankment on the right bank of the Damoodah River, 3,828 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Bulrampore, Pergunnah Habalee, and terminates at a masonry pillar in the said village.

No. 35.

Right Embankment on the Damoodah River.

This is a continuous line of embankment on the right bank of the Damoodah River, 1 mile, 528 feet, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Zangirpore, Pergunnah Habalee, and terminates at a masonry pillar in the village of Srekistopore in the said pergunnah.

No. 36.

Right Embankment on the Damoodah River.

This is a continuous line of embankment on the right bank of the Damoodah River, 18 miles, more or less, in length. It commences at a masonry pillar fixed in the ground in the village of Oozirpore, Pergunnah Habalee, and terminates at a masonry pillar in the village of Dehi Barsut of Pergunnah Barsut.

No. 37.

Right Embankment on the Damoodah River.

This is a continuous line of embankment on the right bank of the Damoodah River, 29 miles, 3,560 feet, more or less, in length. It commences at a masonry pillar fixed in the ground at the junction of the Gyghattee Khall, within the Damoodah River, in the village of Gyghattee, Pergunnah Arsa, and terminates at a masonry pillar at the junction of the Roopnarain and Hughli Rivers, at the 32nd mile-post, on the Roopnarain left embankment in the village of Magrapathur, of Pergunnah Mundleghaut.

No. 38.

Left Embankment on the Roopnarain River.

This is a continuous line of embankment on the left bank of the River Roopnarain, 31 miles, 3,762 feet, more or less, in length. It commences at a masonry pillar fixed in the ground at the junction of the Roopnarain River and the Bakhsee Khall, in the village of Bakhsee, Pergunnah Mundleghaut, and terminates at a masonry pillar at the junction of the Hughli and Roopnarain Rivers, at the 32nd mile-post of the Roopnarain embankment in the village of Magrapathur, Pergunnah Mundleghaut.

No. 39.

This is a continuous line of embankment, 41 miles and 155 feet, more or less, in length. It commences at a masonry pillar built in the ground in the village of Khodalgobra, Pergunnah Birkul, and running generally parallel with the coast line of the Bay of Bengal, terminates at a masonry pillar on the Contai and Kedgeri Road, on the right bank of the Russulpore River, in the village of Shamchuck, Pergunnah Kowramal.

No. 40.

This is a continuous line of embankment, 30 miles, more or less, in length. It commences at a masonry pillar built in the ground on the Contai and Kedgeri Road on the right bank of the Russulpore River in the village of Shamchuck, Pergunnah Kowramal, and running along the right bank of the Russulpore River as far as the Contai and Tumlook Road, and thence along the right bank of the Serpai River, terminates at a masonry pillar in the village of Atlagori, Pergunnah Majnamutta.

No. 41.

This is a circuit embankment on the right bank of the Russulpore River, 2 miles, 4,868 feet, more or less, in length. It commences and terminates at a masonry pillar built in the ground in the village of Sanberia, Pergunnah Bahirmutta.

No. 42.

This is a continuous line of embankment, 30 miles, more or less, in length. It commences at a masonry pillar built in the ground in the village of Atlagori, Pergunnah Majnamutta, and running along the left bank of the Serpai River, as far as the village of Kessoorkunda, on the Contai and Midnapore Road, and thence in a northerly direction to Chowmook on the Bagdah River, and thence along the right bank of the Balliaghye Khall to the east of the Dhoobda Jheel, terminates at a masonry pillar on the sand ridge in the village of Madhubpore, Pergunnah Bhograi.

No. 43.

This is a continuous line of embankment, 17½ miles, more or less, in length. It commences at the great sea dyke, east of the Peechabunnee sluice, on the left bank of the Peechabunnee Khall, and running along the said bank as far as the masonry pillar built in the ground in the village of Madhubpore, Pergunnah Bhograi, and thence along the right bank, terminates at the great sea dyke west of the Peechabunnee sluice.

No. 44.

This is a circuit embankment, on the right bank of the Bagdah River, 3 miles, 2,528 feet, more or less, in length. It commences and terminates at a masonry pillar built in the ground in the village of Astichuck, Pergunnah Paharpore.

No. 45.

This is a continuous line of embankment, 95 miles, more or less, in length. It commences at a masonry pillar built in the ground in the village of Ramchuck, Pergunnah Sugamutta, and running along the left bank of the Iktiarpore Khall to its junction with the Madakhally River, thence running along the left bank of the Madakhally River to the Chowdacoolee Inspection Bungalow, at the confluence of the Russulpore River, and the Koonjapore or Thalputty Khall, thence running along the left bank of the Koonjapore or Thalputty Khall to its embouchure in the Bay of Bengal, thence running parallel to the coast line, as far as the mouth of the River Huldee, thence following the right bank of this river as far as the junction of the Kaliaghye and Cossye Rivers, and lastly running along the right bank of the Kaliaghye River, terminates at a masonry pillar at the village of Nilkantapore, Pergunnah Jalamutta.

No. 46.

This is a continuous line of embankment, 5 miles, more or less, in length, on the right bank of the Kaliaghye River. It commences at a masonry

pillar built in the ground in the village of Kharan, Pergunnah Pataspore, and terminates at another masonry pillar in the said village.

No. 47.

This is a circuit embankment, 34 miles, 1,000 feet, more or less, in length. It commences at a masonry pillar built in the ground near the Barju Ghaut in the village of Barju, Pergunnah Narnamutta, and running along the right bank of the Madakhally River, the left bank of the Bagdah River, and the right bank of the Chackbowani Khall, terminates at the aforesaid pillar. It passes through the villages of Barju, Simulbari, Dismila, Khamgara, Idalpore, Kalurathari, Lischintar, Ullalbara, Koniabar, Bhastagara, Khala Kalkadari, Sundarpore, Mallickpore, Ballabpore, Sukakhola, Udaypore, Gopalpore, Baro Adapore, Tamlapura, Chakbata, Calsai, Culbaria, Chakmathuri, Chakahabani, Bhayrabdari, South Chando, Manglepore, Dakhindara, Partabdigi, Bamanbasan, Sitadigi, Kistanugger, Panesoori, Sardabar, Mathura, Chakrosal Khacura, Mangalchuck, Tonabila, Arjanuggur, Purulia, Mahesda, Khamgara, Malda, Barjee, and Pergunnahs Narnamutta, Kismat Pataspore, Kismat Danto, Kharaig, Partabjhan, Pataspore, and Bhatgar.

No. 48.

This is a circuit embankment, 11 miles, 1,541 feet, more or less, in length, lying between the Madakhally River and Udbadal Khall. It commences at a masonry pillar built in the ground at the junction of the Madakhally River and Udbadal Khall in the village of Naturea, Pergunnah Narnamutta, and passing through the villages of Udbadal, Champainuggur, Conasdigi, Nathara, Khatmari, Etabaria, Naudigi, Manikjar, Hasgoria, Manikjor Basdebbaria, Patarbara, Pergunnah Narnamutta, terminates at the aforesaid pillar.

No. 49.

This is a circuit embankment, 11 miles, 1,525 feet, more or less, in length, lying between the Iktiarpore Khall, Madakhally River, and Udbadal Khall. It commences at a masonry pillar built in the ground at the junction of the Madakhally River and Iktiarpore Khall, in the village of Rogonathchuck, Pergunnah Narnamutta, and running along the left bank of the Madakhally River, left bank of the Udbadal Khall, and right bank of the Iktiarpore Khall, terminates at the aforesaid pillar. It passes through the villages of Udbadal, Patna, Dumurdari, Podutardi, South Biada, Ichhapore, Pauchgaria, Bhupatinuggur, Rogonathchuck, Nandichuck, Khorinet, Gobindapore, Jogomohunpore, Champainuggur, Kanjadapore, Udbadal, and the Pergunnahs of Narnamutta and Koaal.

No. 50.

This is a continuous line of embankment, 3 miles, 3,255 feet, more or less, in length. It commences at a masonry pillar built in the ground in the

village of Ramchuck, Pergunnah Sugamutta, and running along the right bank of the Iktiarpore Khall, terminates at a pillar in the village of Radhapore, Pergunnah Erinch.

No. 51.

This is a circuit embankment, 7 miles, 2,735 feet, more or less, in length, between the Kaliaghye River and the Bagui Khall. It commences at a masonry pillar built in the ground at the junction of the Kaliaghye River with the Bagui Khall in the village of Daropatna, Pergunnah Pataspore, and passing through the villages of Gocoolpore, Gholahat, Daropatna, Pergunnah Pataspore, terminates at the aforesaid masonry pillar.

No. 52.

This is a circuit embankment, 20 miles, more or less, in length. It commences at a masonry pillar built in the ground on the south side of the junction of the Thalputti Khall with the Russulpore River in the village of Gumgar, Pergunnah Kasba Hidgellee, and running along the left bank of the Russulpore River to its confluence with the sea, then following the coast line to the embouchure of the Thalputti Khall, in the Bay of Bengal, and thence running along the south bank of the Thalputti Khall, terminates at the aforesaid pillar. It passes through the villages of Gorabar, Debichuck, Dandchuck, Katka, Sampore, Baga, Padurbaria, Nenapata, Mohendranuggur, Kolagachia, Pauchbari, Osilchuck, Honabaria, Orukbaria, Salconda, Sahibchuck, Bamunchuck, Barabari, Phulbari, and Mulichuck, all in the Pergunnah Kasba Hidgellee.

No. 53.

This is a continuous line of embankment, 60 miles, 4,110 feet, more or less, in length. It commences at a masonry pillar built in the ground on the left bank of the Cossye River, in the village of Bargoda, Pergunnah Tumlook, and running along the left bank of the Cossye and Huldee Rivers to the confluence of the latter with the River Hooghly, and thence along the right bank of the Hooghly and Roopnarain Rivers, terminates at a masonry pillar in the village of Banka, about one-fourth of a mile north of a Hindu temple, on the left bank of the Banka Khall.

No. 54.

This is a circuit embankment, 12 miles, 2,550 feet, more or less, in length, situated between the Kaliaghye and Cossye Rivers. It commences at a masonry pillar built in the ground at the junction of the said rivers, and running along the left bank of the Kaliaghye River and the right bank of the Cossye River, terminates at the aforesaid pillar. It passes through the villages of Purso, Nonakhari, Lachanpore, Narkuldi, Soonabhoy, Asnan

Chundibarya, Machodal, Kholakhally, Kalkadari, Pauchpukhiria, Kistochuck, and Salugaria, all in the Pergunnah Tumlook.

No. 55.

Rampore Beauleah old Embankment.

This is a continuous line of embankment on the left bank of the River Ganges, 17,700 feet in length, more or less. It commences at a masonry pillar to be fixed in the ground, at the village of Kasubpore, Pergunnah Ghurreehath, and terminates at a masonry pillar to be fixed at the village Tallimuree, Pergunnah Laskarpore.

No. 56.

Rampore Beauleah Embankment.

This is a continuous line of embankment on the left bank of the River Ganges, 8,130 feet in length, more or less. It commences at a masonry pillar to be fixed in the ground at the village of Bolanpore, Pergunnah Ghurreehath, and terminates at a masonry pillar in the village of Kudulkuttee, Pergunnah Ghurreehath, where it joins the road to Dinagepore.

No. 57.

Maldah Embankment.

This is a continuous line of embankment on the right bank of the Mahanuddy River, 11,591 feet, more or less, in length. It commences at a masonry pillar to be fixed in the ground at the village of Kootubpore, Pergunnah Ameerabad, and terminates at a masonry pillar in the village of Mosehpore, Pergunnah Vatra.

24-PERGUNNAHS.

No. 58.

Left Embankment on the River Hooghly.

This is a continuous embankment on the left bank of the River Hooghly, 5 miles, 4,500 feet, more or less, in length. It commences at Munneokhallee Khall at a masonry pillar fixed in the ground in the village of Juggonnathnuggur, and terminates at a masonry pillar in the village of Meejghur, on the north side of Churrial Khall, near the junction of the Hooghly River and Churrial Khall.

No. 59.

Right bank of Churrial Khall.

This is a continuous embankment on the right bank of the Churria-Khall, 2,780 feet, more or less in length. It commences at a masonry

pillar in the village of Meejghur, on the north side of Churrial Khall,* near the junction of Hooghly River and Churrial Khall, and terminates at a masonry pillar in the village of Ghurbanmonea, on the north bank of Churrial Khall, near the junction of Churrial Khall and the Calcutta and Atcheepore Road.

No. 60.

Left bank of Churrial Khall.

This is a continuous embankment on the left bank of Churrial Khall, 3,280 feet, more or less, in length. It commences at a masonry pillar in the village of Joychundeepur, near the junction of left bank of Churrial Khall and the Calcutta and Atcheepore Road, and terminates at a masonry pillar in the said village of Joychundeepur, near the junction of River Hooghly and Churrial Khall.

No. 61.

Left bank of Hooghly River.

This is a continuous embankment on the left bank of Hooghly River 19 miles, 1,320 feet, more or less, in length. It commences at a masonry pillar in the village of Joychundeepore, near the junction of River Hooghly and Churrial Khall, and continues along the left bank of Hooghly River to Poojallee Khall, on both sides of Poojallee Khall, between the River Hooghly and the road leading from Calcutta to Atcheepore, and again down the left bank of the River Hooghly to the right bank of Fulta Khall, and terminates at a masonry pillar in the village of Fulta, near the junction of River Hooghly and Fulta Khall.

No. 62.

Right bank of Fulta Khall.

This is a continuous embankment on the right bank of Fulta Khall, 2 miles, 1,320 feet, more or less, in length. It commences at a masonry pillar in the village of Fulta, on the north side of the Khall, near the junction of River Hooghly and Fulta Khall, and terminates at a masonry pillar on the right bank of Fulta Khall in the village af Sohara.

No. 63.

Left bank of Fulta Khall.

This is a continuous embankment on the left bank of Fulta Khall, 2 miles, 1,360 feet, more or less, in length. It commences at a masonry pillar on the left bank of Fulta Khall, in the village of Bosoodeapore, and terminates at a masonry pillar on the left bank of the Khall, in the village of Taragunge near the junction of River Hooghly and Fulta Khall.

No. 64.

Left bank of Hooghly River.

This is a continuous embankment on the left bank of River Hooghly, 11 miles, 2,780 feet, more or less, in length. It commences at a masonry pillar in the village of Taragunge, near the junction of River Hooghly and Fulta Khall, and terminates at a masonry pillar, in the village of Seemoolgunge, on the right bank of Kholakhalee Khall, near its junction with Hooghly River.

No. 65.

Right bank of Kholakhalee Khall.

This is a continuous embankment on the right bank of Kholakhalee Khall, 3,500 feet, more or less, in length. It commences at a masonry pillar in the village of Seemulgunge on the right bank of Kholakhalee Khall, near its junction with Hooghly River, and terminates at a masonry pillar on the right bank of the Khall in the village of Durree Govindpore.

No. 66.

Left bank of Kholakhalee Khall.

This is a continuous embankment on the left bank of Kholakhalee Khall, 4,800 feet, more or less, in length. It commences at a masonry pillar on the left bank of Kholakhalee Khall in the village of Jungalparah, and terminates at a masonry pillar on the left bank of the Khall in the village of Ramchundernuggur, near the junction of Hooghly River and Kholakhalee Khall.

No. 67.

Left bank of Hooghly River.

This is a continuous embankment on the left bank of River Hooghly, 3 miles 2,260 feet, more or less, in length. It commences at a masonry pillar in the village of Ramchunderpore, near the junction of Hooghly River and Kholakhalee Khall, and terminates at a masonry pillar on the right bank of Diamond Harbour Creek in the village of Hajeepore, near the junction of Hooghly River and Diamond Harbour Creek.

No. 68.

This is a continuous embankment on the right bank of Diamond Harbour Creek, 7 miles, 3,100 feet, more or less, in length. It commences at a masonry pillar on the right bank of Diamond Harbour Creek in the village of Hajeepore, near the junction of Hooghly River and Diamond Harbour Creek, and terminates at a masonry pillar in the right bank of Diamond Harbour Creek in the village of Dearnah.

No. 69.

Left bank of Diamond Harbour Creek.

This is a continuous embankment, on the left bank of Diamond Harbour Creek, 6 miles, 680 feet, more or less, in length. It commences at a masonry pillar, on the left bank of Diamond Harbour Creek in the village of Dearnah, and terminates at a masonry pillar on the left bank of the Diamond Harbour Creek in the village of Madhubpore, near the junction of Hooghly River and Diamond Harbour Creek.

No. 70.

Left bank of the Hooghly River.

This is a continuous embankment on the left bank of River Hooghly, 8 miles, more or less, in length. It commences at a masonry pillar on the left bank of Diamond Harbour Creek in the village of Madhubpore, near the junction of Hooghly River and Diamond Harbour Creek, and terminates at a masonry pillar on the right bank of Culpee Nuddee in the village of Mosamaree, near the junction of Hooghly River and Culpee Nuddee.

No. 71.

Right bank of Culpee Nuddee.

This is a continuous embankment on the right bank of Culpee Nuddee, 1 mile, more or less, in length. It commences at a masonry pillar on the right bank of Culpee Nuddee in the village of Mosamaree, and terminates at a masonry pillar on the right bank of Culpee Nuddee in the village of Janikeemaree.

No. 72.

Left bank of Culpee Nuddee.

This is a continuous embankment on the left bank of Culpee Nuddee, 1 mile, more or less, in length. It commences at a masonry pillar on the left bank of Culpee Nuddee, in the village of Gourypore, and terminates at a masonry pillar on the left bank of Culpee Nuddee in the village of Durganuggur, near the junction of Hooghly River and Culpee Nuddee.

No. 73.

Left bank of River Hooghly.

This is a continuous embankment on the left bank of Hooghly River, 6 miles, 2,640 feet, more or less, in length. It commences at a masonry pillar on the left bank of Culpee Nuddee in the village of Durganuggur, near the junction of Hooghly River and Culpee Nuddee, and terminates at a masonry pillar in the village of Chulamooree, near Chulamooree Semaphore.

No. 74.

Soonderbun Embankment.

This is a continuous embankment in the Soonderbuns, 8 miles, 2,640 feet, more or less, in length. It commences at a masonry pillar in the village of Chulamooree, near Chulamooree Semaphore, and terminates at a masonry pillar near the right bank of the Sreerampore Khall in the village of Budinathpore.

No. 75.

Right bank of Sreerampore Khall.

This is a continuous embankment on the right bank of the Sreerampore Khall, 6 miles, 2,640 feet, more or less, in length. It commences at a masonry pillar on the right bank of Sreerampore Khall in the village of Budinathpore, and terminates at a masonry pillar in the village of Kontahenneah.

No. 76.

Left bank of Sreerampore Khall.

This is a continuous embankment on the left bank of Sreerampore Khall, 9 miles, 2,640 feet, more or less, in length. It commences at a masonry pillar in the village of Kontahenneah, and terminates at a masonry pillar on the left bank of the Sreerampore Khall in the village of Taktipore Dighee.

No. 77.

Soonderbun Embankment.

This is a continuous embankment in the Soonderbuns, 26 miles, more or less, in length. It commences at a masonry pillar on the left bank of Sreerampore Khall in the village of Taktipore Dighee, and terminates at a masonry pillar on the right bank of Kharee Khall in the village of Gularchant.

No. 78.

Right bank of Kharee Khall.

This is a continuous embankment on the right bank of Kharee Khall, 3 miles, 602 feet, more or less, in length. It commences at a masonry pillar on the right bank of Kharee Khall, in the village of Gularchant, and terminates at a masonry pillar in the village of Megheeber, near a drainage sluice.

No. 79.

Left bank of Kharee Khall.

This is a continuous embankment on the left bank of Kharee Khall, 3 miles, 2,040 feet, more or less, in length. It commences at a masonry pillar in the village of Megheeber, and terminates at a masonry pillar on the left bank of the Khall in the village of Kamaratha.

No. 80.

Soonderbun Embankment.

This is a continuous embankment in the Soonderbuns, 19 miles, more or less, in length. It commences from a masonry pillar on the left bank of the Kharee Khall in the village of Kamaratha, and terminates at a masonry pillar on the right bank of Pealee River in the village of Tulpee.

No. 81.

Right bank of Pealee River.

This is a continuous embankment on the right bank of Pealee River, 3 miles, more or less, in length. It commences at a masonry pillar on the right bank of Pealee River in the village of Tulpee, and terminates at a masonry pillar on the right bank of the Pealee River in the village of Chorodakaitee.

No. 82.

Right bank of Soorjipore Khall.

This is a continuous embankment on the right bank of Soorjipore or Puschunbahum Khall, 8 miles, more or less, in length. It commences at a masonry pillar on the right bank of Pealee River in the village of Chorodakaitee, and terminates at Puschunbahum sluice in the village of Bulbuleah.

No. 83.

Left bank of Soorjipore Khall.

This is a continuous embankment on the left bank of Soorjipore or Puschunbahum Khall, 4 miles, 2,640 feet, more or less, in length. It commences at a Puschunbahum sluice in the village of Bulbuleah, and terminates at a masonry pillar on the left bank of Soorjipore Khall in the village of Ramnuggur.

No. 84.

Right bank of Pealee River.

This is a continuous embankment on the left side of Pealee River, 9 miles, 2,160 feet, more less. It commences at a masonry pillar on the left bank of Soorjipore Khall in the village of Ramnuggur, and terminates at a masonry pillar on the right bank of Biddiadhuree River in the village of Saungur, near the junction of Biddiadhuree and Pealee Rivers.

No. 85.

Left bank of Pealee River.

This is a continuous embankment on the left bank of Pealee River, 3 miles, 3,960 feet, more or less in length. It commences from a masonry

pillar on the left bank of Pealee River in Sunderbun lot No. 45, and terminates in a masonry pillar on the right bank of the Baugmaree Khall in the village of Jullerath, near the junction of Pealee River with Baugmaree Khall.

No. 86.

Left bank of Baugmaree Khall.

This is a continuous embankment on the left bank of the Baugmaree Khall, 2 miles, 2,640 feet, more or less, in length. It commences from a masonry pillar in the village of Jullerath, near the junction of Pealee River and Baugmaree Khall, and terminates at a masonry pillar at the side of Mutlah Road in the village of Ath Ramdhur.

No. 87.

Right bank of Baugmaree Khall.

This is a continuous embankment on the right side of Baugmaree Khall, 1 mile, 1,320 feet, more or less, in length. It commences at a masonry pillar at the side of Mutlah Road in the village of Koolauree, and terminates at a masonry pillar on the left bank of Pealee River in the village of Kist Kalaboroe.

No. 88.

Left bank of Pealee River.

This is a continuous embankment on the left bank of the Pealee River, 4 miles, 2,460 feet, more or less, in length. It commences at a masonry pillar on the left bank of Pealee River in the village of Kist Kalaboroe, and terminates at a masonry pillar in the village of Povan, about a quarter of a mile north of the Calcutta and South-Eastern Railway.

No. 89.

Left bank of Pealee River.

This is a continuous embankment on the left bank of Pealee River, 2 miles, 2,640 feet more or less, in length. It commences at a masonry pillar in the village of Shrikishenpore, and terminates at a masonry pillar on the right bank of Biddiadhuree River, near the junction of Biddiadhuree and Pealee Rivers.

No. 90.

Right bank of Biddiadhuree River.

This is a continuous embankment on the right bank of Biddiadhuree River, 8 miles, more or less, in length. It commences at a masonry pillar on the right bank of Biddiadhuree River in the village of Balleahpore, and terminates in a masonry pillar on the right bank of the same river, near the junction of Biddiadhuree and Pealee Rivers.

No. 91.

Right bank of Biddiadhuree River.

This is a continuous embankment on the right bank of Biddiadhuree River, 2 miles, 3,120 feet, more or less, in length. It commences at a masonry pillar near the junction of the Biddiadhuree and Pealee Rivers in the village of Saungur, and terminates at a masonry pillar on the right bank of Biddiadhuree River, near its junction with Tolly's Canal in the village of Pertabnuggur.

No. 92.

South side of Tolly's Canal.

This is a continuous embankment on south side of Tolly's Canal, 10 miles, more or less, in length. It commences at a masonry pillar on the right bank of Biddiadhuree River, near the junction of Biddiadhuree River and Tolly's Canal in the village of Pertabnugger, and terminates at a masonry pillar on the south side of Tolly's Canal in the village of Kurramabad.

No. 93.

North side of Tolly's Canal.

This is a continuous line of embankment, on the north side of Tolly's Canal, 2 miles, 4,020 feet, more or less, in length. It commences at a masonry pillar on the north side of Tolly's Canal in the village of Nowabad, and terminates at a masonry pillar in the jungle in the village of Tehooraha.

No. 94.

Bhagiruttee Embankments.

This is a line of disconnected embankment on the left bank of the Bhagiruttee River, extending from Plassey Bazar, Pergunnah Plassey, District Nuddea, to Dadmootee, Pergunnah Rokunpore, District Moorshedabad, a distance of about 93 miles.

No. 95.

Katcheekata Embankment.

This is a continuous line of embankment about 4,000 feet in length, on the right bank of the Matahbanga River. It commences in the village of Luckimpore, Pergunnah Bajpore, District Nuddea, and terminates at the bottom of the new cut opposite the village of Radhakantpore in the same pergunnah and district.

SCHEDULE E.

(*See sections* 36 *and* 44.)

Pergunnah.	District.	Amount of contribution.		
		Rs.	A.	P.
Futtehsingh	Moorshedabad	1,706	10	8
Rokunpore	Ditto	1,466	2	0

THE LABOR DISTRICTS EMIGRATION ACT, 1873.

CONTENTS.

PREAMBLE.

PART I.

PRELIMINARY.

CHAPTER 1.—*Application and Miscellaneous.*

SECTION.

1.—Short title.
2.—Repeal of Bengal Act II of 1870.
3.—Interpretation clause.
4.—Power of the Lieutenant-Governor to make rules.
Penalties for infringement of rules.
Publication of rules.
5.—Contract made with emigrant is a charge upon the land.
And is transferred with the land.
Determination of ownership determines liability.
6.—Any person above the age of 16 years may contract.
7.—When contract to labor not binding.
8.—Penalty for any offence not specially provided for.
9.—Procedure on trial of offences created by Act.

PART II.

EMIGRATION.

CHAPTER 2.—*Restrictions and Appointment of Officers.*

10.—Power to prevent emigration of laborers.
11.—Penalty for engaging natives contrary to such order.
12.—Appointment of superintendent of emigration, embarkation agents, and medical inspectors.
13.—Employer may recruit by garden-sirdar.
14.—Superintendent may license contractors and recruiters.
15.—Duration of contract.
Form and particulars of contract.

CHAPTER 3.—*Garden-sirdar.*

16.—Garden-sirdar to obtain certificate from employer, and to present it to Magistrate.
17.—Magistrate after enquiry to countersign it.
18.—Garden-sirdar authorized to engage more than twenty natives to be subject to provisions relating to a recruiter.

Garden-sirdar who is not a Recruiter.

19.—Garden-sirdar has no authority until certificate is countersigned by Magistrate.

Magistrate may cancel certificate.
20.—Every native to appear before Magistrate before removal from district.
21.—Magistrate to examine native, and if the examination is satisfactory, to register particulars.
But may require certificate.
22.—When Magistrate may refuse to register.
23.—Fee for registration.
24.—Contract to be executed in duplicate, and abstract to be entered in book to be kept by the Magistrate.
Copy of abstract to be sent to Superintendent and Magistrate.
25.—Similar provisions for natives recruited in Calcutta.
26.—Natives recruited in districts not in Bengal.
27.—Garden-sirdar must personally accompany emigrants.
28.—Garden-sirdar cannot proceed with more than twenty emigrants in one batch.
29.—Garden-sirdars must provide food and lodging for emigrants on journey.
If such not provided, or if emigrant unfit, Magistrate may award compensation, or cancel contract.
30.—Recovery of fines ordered to be paid by Magistrate.
31.—Agent in Calcutta may procure order from Superintendent of emigration, cancelling the contract on payment of expense of return.
32.—Garden-sirdar must report his arrival in labor district.
Penalty for neglect.

CHAPTER 4.—*Contractor.*

33.—Form of license, fee, and duration of license.
34.—Contractor to give information to Superintendent.
35.—To establish and maintain depôts.
36.—May act as recruiter.
37.—Establishment of hospital depôt.
Contractor to contribute to expense.
Hospital depôt to be under charge of medical inspector.

CHAPTER 5.—*Recruiter.*

38.—Form of recruiter's license, fee, and duration of license.
39.—Recruiter must hold a pass.
40.—No authority till license is countersigned by Magistrate of recruiting district.
Magistrate may withdraw license and suspend recruiting.
41.—Recruiter to provide accommodation for natives before license is countersigned.
Magistrate charged with superintendence of accommodation.
42.—Native to be taken for examination to medical officer, who may reject him.
43.—If certified to be fit, native to be taken to Magistrate.

Magistrate to examine native respecting the engagement, and if satisfied, to register certain particulars.
If dissatisfied, to refuse to register.
44.—Copy of registration to be given to emigrant.
45.—Copy of registration and medical certificate to be sent to superintendent.
46 —Fee for registration.
47.—Similar provisions for natives recruited in Calcutta.
48.—Natives recruited in districts not in Bengal.
49.—Penalty for forwarding native without registration.
50.—Recruiter must accompany emigrants to depôt, or depute person approved by Magistrate.
51.—Penalty on recruiter failing to provide food and lodging for emigrants during journey.

CHAPTER 6.—*Depôt.*

52.—Contractor to report arrival of emigrants.
53.—Emigrants to be inspected by medical inspector immediately on arrival.
Medical inspector to examine emigrant if medical certificate not given.
54.—Emigrant rejected by medical inspector to be sent back.
But not until he is fit to undertake the journey.
55.—Family of detained emigrant may remain with him.
56.—Emigrant ill-treated during journey may obtain compensation.
57.—Contract to be explained by superintendent, and executed in duplicate.
Abstract to be entered in book to be kept by superintendent.
Copy of abstract to be sent to Magistrate.
58.—Penalty on emigrant refusing to execute contract.
59.—Penalty on contractor failing to tender contract.
60.—Money ordered to be paid by superintendent may be advanced by him and recovered.

CHAPTER 7.—*Transport.*

61.—Emigrant to be forwarded to labor district with permission of superintendent.
To be furnished with a pass.
62.—Vessel must be licensed to carry emigrants.
Fee for license.
Penalty for carrying without a license.
63.—Penalty for delay in despatching vessel.
64.—Fraudulent alteration of vessel after grant of certificate.
65.—Penalty for receiving on board more passengers than number specified in license.
66.—Two children under ten to be counted as one person.
67.—Master not to embark emigrants on vessel carrying more than 20 emigrants without a pass.
Penalty.
No pass without certificate of medical inspector.

68.—Embarkation agent to furnish the master with a list of emigrants on board.

Contents of list.

To be compared with emigrants by agent and master.

Penalty for admitting emigrants not in list.

Copy of list to be sent to Magistrate.

69.—Provisions, medical, and other stores, medical officers, cooks, etc.

Penalty if master proceeds without them.

70.—Vessel carrying 200 emigrants must carry a medical officer.

71.—Emigrant not allowed finally to leave vessel at any place other than that mentioned in pass.

72.—Master to report arrival of emigrants at every intermediate station where there is a Magistrate.

73.—Magistrate may at any time inspect vessel.

Master bound to give all information required.

Penalty for omission.

74.—Magistrate may regulate communication between vessel and land.

75.—Magistrate may detain vessel for inspection, and for prevention of disease, and may detain sick emigrants.

76.—Magistrate may detain sick emigrants, and must arrange for their accommodation and treatment.

77.—Expenses how to be recovered.

78.—Detention of emigrants having infectious diseases.

79.—Measures to be taken if excess number of emigrants is found on board.

80.—Infraction of the Act and Rules to be reported.

Vessel may be detained.

81.—On arrival of licensed vessel at the place of disembarkation, the master shall give information to the Magistrate.

Magistrate shall send information to employer or agent, and direct medical inspection.

Report of medical inspection.

82.—Sick emigrants to be detained at station.

83.—If necessary provision has been made for the support and lodging of the emigrants, they shall be made over to employer or agent.

If not made, or if employer or agent not present, Magistrate to make arrangements.

Expenses recoverable from employer.

84.—If emigrants are to disembark at a place other than a civil station, medical inspection to be made at the civil station last preceding.

85.—Disembarkation at such place.

If necessary provision not made emigrants to be carried on to next station.

86.—Family of detained emigrant may remain with him.

87.—Particulars to be entered in the reports of medical officers.

88.—Magistrate to report arrival of all emigrants, and all proceedings.
In certain cases through the embarkation agent.
89.—Magistrate may depute a Subordinate Magistrate to discharge the functions of the Magistrate.
90.—Penalty, if master or medical officer neglects to enforce rules.
91.—Jurisdiction, if offence created by this Act is committed on board.
92.—Punishment of emigrant for desertion.
93.—Provisions of sections 27, 29, 30, 31, 51, 54, 56, 69, 75, 76, 80, 82, 83, and 84, to apply to children, &c., accompanying emigrants.
94.—Provisions of this chapter not to apply to domestic servants.

PART III.

Labor Districts.

Chapter 8.—*Inland Labor Transport Fund.*

95.—Annual rate payable by employers.
96.—Payment of rate how to be enforced.
Recovery of rate if no moveable property found.
97.—Fines, fees, and rates, to be credited to "Inland Labor Transport Fund."

Chapter 9.—*Inspectors' Returns and Magistrates' Inspections.*

98.—Appointment of inspectors and assistant inspectors.
99.—Establishment.
100.—Half-yearly report of laborers employed, of their state of health, and of mortality.
Separate returns of each class of laborers to be kept.
Copies to be kept.
101.—Entry to be made of death, desertion, &c.
102.—Entry to be made of name and description of laborer.
103.—Penalty for omission to furnish such report or for submitting false report.
104.—Periodical inspection of laborers to be made by Inspector.
Books to be kept by Inspector.
Annual report.
105.—Magistrate may at any time inspect laborers' buildings used by them.
Penalty for obstructing inspection or enquiry.

Chapter 10.—*Regulation of Labor.*

106.—Schedule of daily tasks to be framed.
107.—Maximum amount of labor.
108.—Inspector may submit schedule to a committee.
109.—Committee to revise schedule.

Chapter 11.—*Incapacity for Labor.*

110.—Inspector may suspend contract of any laborer temporarily unfitted for labor.
Suspension to be endorsed on contract, and laborers to receive subsistence money.

111.—Penalty for compelling laborer to perform work for which he is unfit.
112.—Discharge of laborers permanently incapacitated.

CHAPTER 12.—*Necessary Provisions for Laborers.*

113.—Sufficient house accommodation, water supply, and sanitary arrangements to be provided.
114.—Hospital, medicines, &c., to be provided.
115.—Inquiry whether employer has failed to provide as required by the rules.
116.—Penalty for gross neglect as to house accommodation, &c., and for wilfully omitting to comply with the order of the Magistrate in such respect.
117.—Penalty for failure to provide hospital accommodation, &c.

CHAPTER 13.—*Localities unfit for the residence of Laborers.*

118.—Inspector to report and Magistrate to summon committee.
Constitution of committee.
Proceedings of committee.
Contract to be void as regards estate found unfit.
As regards other localities.
119.—Inquiry in case mortality in past year exceeds 7 per cent., or if the average of 3 years exceeds 7 per cent.
Medical officer to report.
Lieutenant-Governor may declare estate unfit for residence.
Contracts to be void as regards that estate.
120.—Penalty on employer permitting laborer to reside in locality declared to be unfit.
121.—Penalty on laborer for absenting himself without sufficient cause.
122.—Deserting laborer may be apprehended without warrant.
To be taken to nearest Magistrate.
Procedure upon complaint of desertion.
Punishment.
Compensation for wrongful arrest.
123.—Conviction not to operate as a release.
124.—Cancellation of contract by desertion.
125.—Portion of sentence may be cancelled on application of employer.
126.—Expense of restoring deserting laborer to be paid by employer.
127.—Time of unlawful absence or imprisonment to be excluded from contract period.
128.—Penalty for enticing away, harbouring, or employing laborer under contract.

CHAPTER 15.—*Complaint made by Laborers.*

129.—Employer to give notice to inspector if laborer wishes to complain of personal ill-usage or breach of contract.
130.—Proceedings of inspector.

131.—Summons of laborer and witnesses.
132.—Procedure if complaint is untrue or frivolous.
133.—If complaint is well founded.
134.—Recovery of arrears of wages and compensation.
135.—Cases in which contract may be cancelled.

CHAPTER 16.—*Determination of Contract.*

136.—Laborer may appear before the inspector to register completion of contract.
Penalty if employer detains, or omits to report.
137.—Power to redeem contract.
Value of unexpired term of contract.
138.—Certificate to be given of determination of contract.
SIX SCHEDULES.

ACT No. VII OF 1873.

(Received the assent of the Lieutenant-Governor on the 22nd December 1873, and of the Governor-General on the 30th idem.)

An Act to amend the law relating to the emigration of laborers to the districts of Assam, Cachar, and Sylhet, and to regulate contract labor and service.

Preamble.

WHEREAS it is expedient to amend the law regulating the emigration of native inhabitants of India from or through the provinces subject to the Government of Bengal to the districts of Assam, Cachar, and Sylhet, and the manner of engaging and contracting with native inhabitants of the said provinces to proceed to the said districts, and providing for the protection of the persons so proceeding, and for the enforcement of the contracts of service entered into by them; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

CHAPTER 1.—*Application and Miscellaneous.*

Short title.

1. This Act may be called "The Labor Districts Emigration Act."

Repeal of Bengal Act II of 1870.

2. Bengal Act II of 1870 *(to consolidate and amend the law relating to the transport of laborers to the districts of Assam, Cachar, and Sylhet, and their employment therein)* is hereby repealed. All contracts entered into, appointments made and licenses granted, under the said Act, or any of the Acts thereby repealed, shall be

deemed to have been respectively entered into, made, and granted under this Act.

Interpretation clause.

3. In this Act, unless there be something repugnant in the subject or context—

"India."

"India" means the territories for the time being vested in Her Majesty by the Statute 21 and 22 Vic., cap., 106, entitled "*An Act for the better government of India*," other than the settlement of Prince of Wales' Island, Singapore, and Malacca.

"Labor Districts."

* "The Labor Districts" means the districts of Assam, Cachar, Sylhet, Chittagong and the Chittagong Hill Tracts, and "a labor district" means one of those districts.

Under the powers vested in him by section 3 of Regulation I of 1872, this Act has been extended by the Lieutenant-Governor of Bengal to the whole of the Sonthal Pergunnahs—*Calcutta Gazette*, 1875, p. 1044.

"Magistrate."

"Magistrate" includes a Magistrate of a district or of a division of a district, and any Magistrate of the first and second class, and any Magistrate of police for the town of Calcutta.

"Employer."

"Employer" means the chief person for the time being in charge of any lands upon which laborers may be employed.

"Garden-sirdar."

"Garden-sirdar" means any person authorized by certificate by an employer to engage natives of India to proceed to a labor district under contracts to be made and executed according to the provisions of this Act.

"Recruiter."

"Recruiter" means any person licensed under the provisions of this Act as a recruiter.

"Contractor."

"Contractor" means any person licensed under the provisions of this Act as a contractor.

"Emigrant."

"Emigrant" means any native of India, above the age of sixteen years, who has engaged with any garden-sirdar or recruiter or other person to proceed to a labor district for the purpose of laboring therein for hire.

"Laborer."

"Laborer" means any emigrant who has been conveyed to a labor district, in accordance with a contract made under the provisions of Bengal Act III of 1863, Bengal Act VI of 1865, Bengal Act II of 1870, or this Act, during the duration of such contract.

* Bengal Act II of 1878, section 2.

"Vessel" includes a steamer, a flat, a boat, and anything made for the conveyance by water of human beings or property.

"Vessel."

"Master" means the person for the time being in charge of a vessel.

"Master."

4. The Lieutenant-Governor may from time to time make rules consistent with this Act, and from time to time alter, vary, and revoke such rules :—

Power of the Lieutenant-Governor to make rules.

(I.)—To regulate the subordination of the several officers of emigration to the superintendent.

(II.)—To prescribe the periodical returns and reports to be made by the emigration officers by Magistrates, and by the inspectors of laborers.

(III.)—To prescribe the amount of the several fees to be paid under the provisions of this Act.

(IV.)—To provide for the management and regulation of contractors' depôts and of hospital depôts.

(V.)—To provide for the medical care of emigrants during their residence at the depôts, and during transport to a labor district.

(VI.)—To prescribe the nature, quality, and quantity, of medical drugs and other stores to be carried on vessels taking emigrants.

(VII.)—To prescribe the clothing to be supplied to emigrants while proceeding to a labor district.

(VIII.)—To prescribe the description, quantity, and quality, of provisions to be taken by vessels carrying emigrants, and the daily allowance to be issued to each emigrant during the journey.

(IX.)—To provide for the ventilation and cleanliness of vessels during the journey, to prescribe the number of officers, cooks, and other servants, and to provide for their control ; and to provide generally for the accommodation of emigrants.

(X.)—To provide for the accommodation, support, and medical treatment of all emigrants detained at any place by order of a Magistrate on account of sickness.

(XI.)—To provide for the periodical inspection of laborers, and the books to be kept by inspectors of laborers.

(XII.)—To provide for the house accommodation, water-supply, sanitary arrangements and supply of rice to be provided by employers for their laborers.

(XIII.)—To provide for the hospital accommodation and medical care of laborers, and to prescribe the nature, quality, and quantity, of medical drugs and other stores to be provided for them.

Penalties for infringement of rules.

The Lieutenant-Governor may, from time to time, fix penalties not inconsistent with any of the provisions of this Act for infringements of any such rules, which may be enforced and recovered as other penalties under this Act on conviction by a Magistrate; provided that no penalty shall exceed five hundred rupees.

Publication of rules.

All such rules, with the penalties (if any) for their infringement, shall be published in the *Calcutta Gazette*, and shall be separately printed and sold to the public at four annas for each copy.

The powers vested in the Lieutenant-Governor by clauses 2, 10, 11, 12, and 13 of this section and by sections 37, 98, 104, 114, and 119 of this Act, have been delegated by the Governor-General in Council to the Chief Commissioner of Assam, for the purpose of being exercised within his Commissionership—*Gazette of India*, 1874, pp. 182, 456.

Contract made with emigrant is a charge upon the land.

5. Every contract made according to the provisions of this Act and all arrears of wages due under any such contract, and all fines imposed on any employer under the provisions of this Act, shall be a charge upon the lands upon which any person has been engaged to labor under such contract.

Land is transferred with the land.

The owner of such lands for the time being shall have all rights and remedies against such person, as if such owner had been originally the party executing such contract as employer.

Determination of ownership determines liability.

No person, after he has ceased to be the owner of such lands, nor his property nor effects, shall be in anywise liable or responsible for any breach of such contract which may have occurred after he has ceased to be such owner.

Any person above the age of 16 years may contract.

6. Any engagement or contract made under the provisions of this Act by a native of India, who is above the age of sixteen years, shall be held valid.

When contract to labor not binding.

7. No contract to labor in the labor districts for more than one year shall be binding upon an emigrant, unless it is made and executed according to the provisions of this Act; and no emigrant shall be bound to fulfil any contract of labor upon any estate or portion of an estate which has been declared unfit for the residence of laborers under the provisions of sections one hundred and eighteen and one hundred and nineteen.

8. For every offence against the provisions of this Act, for which no special penalty or amount of fine is prescribed, the offender shall, on conviction by a Magistrate, be punished with a fine not exceeding two hundred rupees. Wherever in this Act no special term of imprisonment is appointed in default of payment of the fine, the offender shall be liable to imprisonment, simple or rigorous, for a term not exceeding one month.

Penalty for any offence not specially provided for.

9. All offences against this Act committed without the town of Calcutta shall be inquired into and tried according to the provisions of the Code of Criminal Procedure, and all offences against this Act committed within the said town shall be inquired into and tried by a Police Magistrate of the said town, according to the provisions of the laws regulating the investigation and trial of offences within the said town, which shall be for the time being in force.

Procedure on trial of offences created by Act.

PART II.

EMIGRATION.

CHAPTER 2.—*Restrictions and Appointment of Officers.*

10. It shall be lawful for the Lieutenant-Governor of Bengal, in case he shall be of opinion that the emigration of natives of India from any district, or to any particular part of any labor district, for the purposes of laboring, is likely to be attended with danger to the health of any natives of India so emigrating or others, or if the Lieutenant-Governor has reason to believe that a political disturbance is likely to occur in any labor district, to prohibit, by an order under his hand, the emigration of such natives from such district, or to such labor district or particular part thereof, and from time to time to revoke or vary any such order; and every such order or variation or revocation thereof shall be published in the *Calcutta Gazette.*

Power to prevent emigration of laborers.

11. Any person who shall knowingly engage any native of India so to emigrate while any such emigration shall be prohibited under the provisions of the last preceding section, shall be liable to a fine not exceeding fifty rupees for every native who may have been so engaged.

Penalty for engaging natives contrary to such order.

12. The Lieutenant-Governor may appoint a proper person to be the superintendent of emigration at Calcutta, and may also appoint any proper person to be superintendent of emigration at any other place, with all or any of the powers of a superintendent of emigration, and may also appoint proper persons to be embarkation agents and medical inspectors of emigrants at any places where he may think proper, and define by

Appointment of superintendent of emigration, embarkation agents, and medical inspectors.

notification in the *Calcutta Gazette* the local limits within which each such officer shall exercise the powers and authority conferred upon him by this Act. He may at any time suspend or remove any such officer.

Employer may recruit by garden-sirdar.

13. Any employer may, by certificate, authorize a garden-sirdar to engage natives of India to proceed to a labor district for the purpose of laboring therein for hire upon lands of which such employer is in charge, under contracts to be made and executed according to the provisions of this Act.

Superintendent may license contractors and recruiters.

14. It shall be lawful for the superintendent of emigration to grant to such persons as he may think fit licenses to act as contractors for engaging and supplying persons for the purpose of laboring for hire in the labor districts, or to act in behalf of some contractor as recruiters for engaging persons to proceed to the said districts for the purpose of laboring therein for hire.

Duration of contract.

15. A contract executed under the provisions of this Act shall in no case exceed the term of three years from the date of the arrival of the emigrant on the estate of his employer in the labor district for which he is engaged.

Form and particulars of contract.

Every such contract shall be in the form in Schedule A annexed to this Act, and shall be reduced to writing, and shall specify the monthly amount of wages in money, the period of service, the name of the district in which the service is to be performed, and the price at which rice is to be supplied to the laborer.

CHAPTER 3.—*Garden-sirdar.*

Garden-sirdar to obtain certificate from employer, and to present it to Magistrate.

16. Every garden-sirdar, authorized by an employer under the provisions of section thirteen to engage natives of India to proceed to a labor district for the purpose of laboring therein for hire, shall, before proceeding to engage any such native, personally present to the Magistrate of the district, or division of the district, within which is situate the estate of the employer, a certificate signed by such employer, in which shall be stated the name and description of such garden-sirdar, the name and description of the lands for the purpose of laboring upon which he is about to engage such natives, the district (or the town of Calcutta, as the case may be) in which he is about to engage them, the number which he is authorized to engage, and, if the number exceeds twenty, the name of the contractor to whose depôt they shall be conveyed. The certificate shall be in the form set forth in Schedule B annexed to this Act.

17. Such Magistrate shall inquire into the facts stated in such certificate, and, upon being satisfied that the same are true, shall, unless it appears to him that the person so presenting such certificate is unfit to be employed for the purpose of engaging natives to proceed to a labor district to labor therein for hire, countersign and date such certificate, and every such certificate shall be in force for six months from the date last mentioned and no longer.

Magistrate after inquiry to countersign it.

18. If, under his certificate from his employer, any garden-sirdar is authorized to engage more than twenty natives of India, he shall be in all respects, save as regards his certificate, subject to the provisions of this Act which relate to recruiters. The following rules of this Chapter shall apply to every garden-sirdar who is not authorized to engage more than twenty such natives.

Garden-sirdar authorised to engage more than twenty natives to be subject to provisions relating to a recruiter.

Garden-sirdar who is not a Recruiter.

19. A garden-sirdar shall not have authority in any district under the control of the Lieutenant-Governor of Bengal to engage, or attempt to engage, a native of India to become an emigrant, until his certificate has been countersigned by the Magistrate of such district or of such division of the district, or in Calcutta, until his certificate has been countersigned by the Commissioner or the Deputy Commissioner of Police in Calcutta.

Garden-sirdar has no authority until certificate is countersigned by Magistrate.

It shall be lawful for such Magistrate, in case of misconduct, or disobedience to, or neglect of any of the provisions of, this Act by a garden-sirdar, to cancel the certificate of such garden-sirdar.

Magistrate may cancel certificate.

20. Every native of India, who enters into an engagement with a garden-sirdar to proceed to a labor district for the purpose of laboring for hire, shall appear with the garden-sirdar before the Magistrate of the district or of the division of the district within which the engagement was made, or through which he shall first pass on the road to his destination. The garden-sirdar shall at the same time produce his certificate to the Magistrate.

Every native to appear before Magistrate before removal from district.

21. On the appearance of such native, the Magistrate shall examine him with reference to his engagement; and, if it appears that he understands such engagement as regards the locality, period, and nature of the service, the rate of wages, and the price at which rice is to be supplied, and that he is willing to fulfil the same, the Magistrate shall register, in a book to be kept for the purpose, the following particulars, viz :—

Magistrate to examine native, and if the examination is satisfactory, to register particulars.

(1) The name, the name of the father, and the age, of such native;

(2) The name of the village or place of which such native is a resident;

(3) The labor district to which he is engaged to proceed;

(4) The period of service;

(5) The rate of wages, and the price at which rice is to be supplied.

Provided that the Magistrate may, if he thinks fit, require such native to appear before such medical officer as he may direct, and may refuse to register such native, unless the medical officer certifies in writing that he is in a fit state of health and able, in point of physical condition, to journey to and work for hire in a labor district.

But may require medical certificate.

22. If the Magistrate finds that such native does not understand the nature of the engagement, or has been induced to enter into the engagement by fraud or misrepresentation, or if the garden-sirdar shall not have produced his certificate, he shall refuse to register such native.

When Magistrate may refuse to register.

23. For the registration of every such native the garden-sirdar shall pay to the registering officer a fee not exceeding one rupee and eight annas.

Fee for registration.

24. When such registration has been made, the emigrant shall execute a contract with the employer with whom he intends to contract. Such contract shall, in the presence of the Magistrate, be signed in duplicate both by the emigrant and by the garden-sirdar on behalf of his employer. The contract may be written or printed, or partly written and partly printed, and shall be on substantial paper. An abstract of every such contract shall be entered in a register to be kept by the Magistrate for the purpose; and after such abstract has been so entered, one of the duplicates shall be given to the emigrant and the other to the garden-sirdar.

Contract to be executed in duplicate and abstract to be entered in book to be kept by the Magistrate.

The Magistrate shall forward a certified copy of every such abstract so entered, as aforesaid, to the superintendent of emigration, by whom it shall be forwarded, after entry in his own register, to the Magistrate of the district within which the service under such contract is agreed to be performed.

Copy of abstract to be sent to superintendent and Magistrate.

25. The provisions of the six last preceding sections shall be applicable to natives of India engaged by a garden-sirdar within the town of Calcutta, except that they shall appear for registration and execution of contract before the superintendent of emigration.

Similar provisions for natives recruited in Calcutta.

26. Every native of India who shall be brought or induced to come by any garden-sirdar from any province or district not under the control of the Lieutenant-Governor of Bengal, for the purpose of entering into a contract to proceed to the labor districts to labor therein for hire, shall be presented by the garden-sirdar for registry under the provisions of this Chapter, at some place within the district under the control of the said Lieutenant-Governor, into which he shall first come, or at Calcutta, if he shall first come there.

Natives recruited in districts not in Bengal.

27. The garden-sirdar shall personally accompany natives of India engaged by him throughout their journey from the place in which the engagement was made to the place in which they are to be employed.

Garden-sirdar must personally accompany emigrants.

28. It shall not be lawful for two or more garden-sirdars to proceed together towards a labor-district accompanied by emigrants, if the total number of such emigrants exceeds twenty, or unless the permission of the superintendent of emigration or embarkation agent shall have been first obtained.

Garden-sirdar cannot proceed with more than twenty emigrants in one batch.

29. Every garden-sirdar, by whom any emigrant is accompanied, shall provide such emigrant with proper and sufficient food and lodging throughout such journey.

Garden-sirdar must provide food and lodging for emigrants on journey.

If it shall appear to any Magistrate, on the complaint of any such emigrant, at any place on the journey, that he has suffered any ill-treatment during the journey, or that the garden-sirdar has failed to provide him with proper and sufficient food and lodging; or if it be found, on examination by a medical officer appointed by a Magistrate for such purpose, that any such emigrant is not in a fit state of health to proceed to, or to labor in, a labor-district, such Magistrate may order the garden-sirdar to pay to such emigrant a sum of money by way of compensation, or may cancel the contract and order the garden-sirdar to pay to him a sum of money sufficient to enable him to return to the place at which he was engaged.

If such not provided, or if emigrant unfit, Magistrate may award compensation or cancel contract

30. If any garden-sirdar, who may be ordered under the provisions of the last preceding section to pay any sum of money, shall, for twenty-four hours, omit to comply with such order, it shall be lawful for the Magistrate to advance the amount so ordered to be paid to the emigrant named in such order, and to recover from his employer the sum so advanced, with interest at the rate of twelve per centum per annum from the date of such advance.

Recovery of fines ordered to be paid by Magistrate.

31. On the arrival in Calcutta of any emigrant whose contract has been executed by a garden-sirdar on behalf of his employer, any person empowered to act as the agent or representative of such employer may require the emigrant to appear before the superintendent of emigration for the purpose of cancelling the contract. The superintendent of emigration shall, on the appearance of such emigrant, declare that the contract is cancelled, if a sum of money sufficient for his support during his return to the place at which he was engaged be paid to him before himself and not otherwise, and shall make an endorsement to that effect on the contract, and shall attest it with his signature.

Agent in Calcutta may procure order from superintendent of emigration cancelling the contract on payment of expense of return.

Provided that the contract of any husband or wife or parent or child of such emigrant, who may have executed a contract at the same time with the same employer, shall be cancelled at the reqnest of such person; and in such case an equal sum of money shall be paid to such person.

32. As soon as possible after the arrival of the garden-sirdar with emigrants at the place of disembarkation, or at the nearest civil station in the district within which the emigrant has engaged to labor, the garden-sirdar shall report himself to the Magistrate of the district or division of the district or to any Subordinate Magistrate whom the Magistrate may depute for that purpose, and such Magistrate shall check the number of emigrants landed with the number of those registered, and shall report to the superintendent of emigration any deaths which may have occurred on the journey.

Garden-sirdar must report his arrival in labor district.

Any garden-sirdar who neglects to report himself as aforesaid shall, on conviction by a Magistrate, be punished with imprisonment, simple or rigorous, which may extend to three months.

Penalty for neglect.

CHAPTER 4.—*Contractor.*

33. The license granted to a contractor under section fourteen shall be in the form set forth in the Schedule C annexed to this Act. For every license there shall be paid to the superintendent of emigration a fee not exceeding one hundred rupees. Every such license shall be in force for one year and no longer; and in case of misconduct or disobedience to, or neglect of, any of the provisions of this Act by a contractor, the superintendent may cancel his license before the expiration of such period.

Form of license, fee, and duration of license.

34. It shall be the duty of every contractor to afford such information to the superintendent of emigration, and to make such returns and reports to him as the superintendent, with the sanction of the Lieutenant-Governor, may from time to time require.

Contractor to give information to superintendent.

35. Every contractor shall forthwith, upon obtaining his license, establish a depôt in a place to be approved of by the superintendent of emigration. Every such depôt shall be maintained by such contractor for the reception of natives of India to be supplied or forwarded by or through him. All such natives shall, on their arrival at or in the neighbourhood of the depôt so established by the contractor, by, through, to, or for whom they were engaged or forwarded, be forthwith received therein ; and shall receive in such depôt, at the expense of such contractor, suitable lodging, food, clothing, and medical attendance until such native shall be declared by the superintendent to be no longer thereto entitled. Every such depôt as aforesaid shall be under the supervision of the superintendent, and shall be open to his inspection and the inspection of the medical inspector at all times.

To establish and maintain depôts.

36. A contractor may, without other license, act as a recruiter, and shall, in such case, be subject to all the provisions hereinafter contained with regard to recruiters.

May act as recruiter.

37. In addition to the depôts for the reception of emigrants which the contractors are required to establish and maintain, the Lieutenant-Governor may, at any time, direct that a separate depôt shall be established and maintained at any place for the reception of emigrants who are affected with cholera or other contagious disease.

Establishment of hospital depôt

Whenever such hospital depôt is established, every contractor may be required to contribute to the expense of establishing and maintaining it in such proportion as the Lieutenant-Governor may direct.

Contractor to contribute to expense.

Such hospital depôt shall be under the charge of the medical inspector, who shall be competent at any time to direct the transfer thereto of any emigrants on or after their arrival at any depôt.

Hospital depôt to be under charge of medical inspector.

CHAPTER 5.—*Recruiter.*

38. The license granted to a recruiter under section fourteen shall be in the form set forth in Schedule D annexed to this Act. For every license there shall be paid to the superintendent of emigration a fee not exceeding sixteen rupees. Every such license shall be in force for one year and no longer; and in case of misconduct or disobedience to, or neglect of, any of the provisions of this Act by a recruiter, the superintendent may cancel his license before the expiration of such period.

Form of recruiter's license, fee, and duration of license.

Recruiter must hold a pass.

39. Every recruiter shall hold a written pass signed by the contractor on whose behalf he is licensed to act.

No authority till license is countersigned by Magistrate of recruiting district.

40. A recruiter shall not have authority in any district under the control of the Lieutenant-Governor of Bengal to engage or attempt to engage a native of India to become an emigrant until his license has been countersigned by the Magistrate of the district, or of the division of the district, or in Calcutta, until his license has been countersigned by the Commissioner or the Deputy Commissioner of Police in Calcutta; and such Magistrate or Commissioner or Deputy Commissioner of Police shall, unless it appears to him that the person to whom a license has been granted is unfit to be employed as a recruiter, countersign such license.

Magistrate may withdraw license and suspend recruiting.

The Magistrate or Commissioner or Deputy Commissioner of Police may at any time for any sufficient reason withdraw such license, provided that in any such case he shall record his reasons in writing, and shall forward a copy thereof, without delay, to the superintendent of emigration.

Recruiter to provide accommodation for natives before license is countersigned.

41. The Magistrate or the Commissioner or Deputy Commissioner of Police in Calcutta, to whom any recruiter's license shall have been exhibited for countersignature, shall not countersign the same until he shall be satisfied that sufficient accommodation has been provided, and is available for such natives of India as may be engaged by such recruiter pending their removal to a depôt.

Magistrate charged with superintendence of accommodation.

The Magistrate of the district, or division of the district, in which there may be any such accommodation provided, shall have, for the supervision, management, and regulation of such accommodation, all such and the same powers and authorities as are vested in the superintendent of emigration for the supervision, management, and regulation of depôts which are subject to the powers and authority of the superintendent.

Native to be taken for examination to medical officer, who may reject him.

42. Every native of India who shall, in any place or town within the said provinces, enter into any engagement with any recruiter to proceed to a labor district, for the purpose of laboring for hire, shall be brought by such recruiter before such medical officer as the Lieutenant-Governor may from time to time appoint to examine such natives within such place or town; or, if no such officer has been appointed, before such medical officer as the Magistrate may direct. The medical officer shall thereupon examine the native brought by the recruiter, and shall reject him or shall certify in writing that he is in

a fit state of health, and able in point of physical condition to journey to and work for hire in a labor district.

If certified to be fit, native to be taken to Magistrate.

43. Every such native who is certified by the medical officer, as required in the last preceding section, to be fit to emigrate to a labor district, shall thereupon appear with the recruiter before the Magistrate of the district or division of the district within which the place or town where the engagement was entered into is situate. The recruiter shall at the same time produce his license to the Magistrate.

Magistrate to examine native respecting the engagement, and if satisfied, to register certain particulars.

On the appearance of such native the Magistrate, after inspecting the medical certificate, shall examine him with reference to his engagement, and if it appears that he understands such engagement as regards the locality, period, and nature of the service, the rate of wages, and the price at which rice is to be supplied, and that he is willing to fulfil the same, the Magistrate shall register in a book to be kept for the purpose—

(1) The name, the name of the father, and the age, of such native.

(2) The name of the village or place of which such native is a resident.

(3) The contractor's depôt to which it is intended that he shall proceed.

(4) The labor district to which he is engaged to proceed.

(5) The period of service.

(6) The rate of wages, and the price at which rice is to be supplied.

If dissatisfied, to refuse to register.

If the Magistrate thinks that such native does not understand the nature of the engagement, or has been induced to enter into the engagement by fraud or misrepresentation, or if the recruiter shall not have produced his license, he shall refuse to register such native.

Copy of registration to be given to emigrant.

44. A certified copy of his registration, written on substantial paper, shall be furnished by the Magistrate to each emigrant.

Copy of registration and medical certificate to be sent to superintendent.

45. A certified copy of every such registration, and the original certificate of the medical officer, shall be forthwith forwarded by the Magistrate to the superintendent of emigration.

Fee for registration.

46. For the registration of every such native the recruiter shall pay to the registering officer a fee not exceeding one rupee and eight annas.

47. The provisions of the five preceding sections shall be applicable to all natives of India engaged by recruiters within the town of Calcutta, except that they shall be brought for registration before the superintendent of emigration therein.

Similar provisions for natives recruited in Calcutta.

48. Every native of India who shall be brought or induced to come by any recruiter from any province or district not under the control of the Lieutenant-Governor of Bengal, for the purpose of entering into a contract in a district under such control, shall be presented by the recruiter for medical examination and registry under the provisions of this Chapter at some place within the district under the control of the Lieutenant-Governor into which he shall first come, or at Calcutta, if he shall first come there.

Natives recruited in districts not in Bengal.

49. Every recruiter, who forwards or accompanies any native of India from the district, or division of the district, within which the place or town where he has been recruited is situate, or into which, under the last preceding section, he has first come, or who induces any such native to leave such district or division of district for the purpose of proceeding to a labor district, without being duly registered as above required; or who forwards, accompanies, or induces any such native to proceed to any depôt other than a depôt in a place approved of under section thirty-five, shall, on conviction by a Magistrate, be punished in respect of every such native so forwarded, accompanied, or induced, with a fine which may extend to fifty rupees, or with imprisonment, simple or rigorous, for a term which may extend to one month.

Penalty for forwarding natives without registration.

50. All emigrants proceeding to a depôt shall be accompanied throughout the journey by the recruiter himself, or by a competent person appointed by him with the approval of the Magistrate by whom such emigrants have been registered. The Magistrate shall give to the person so appointed a certificate under his signature, stating that he has been appointed for the journey to the depôt.

Recruiter must accompany emigrants to depôt, or depute person approved by Magistrate.

51. Every recruiter, by whom any emigrant is forwarded or accompanied to a depôt, shall, throughout the journey, provide such emigrant with proper and sufficient food and lodging. If it shall appear to a Magistrate, on the complaint of any of such emigrant at any place on the journey, that the recruiter has failed to provide him with proper and sufficient food and lodging at such place, such recruiter shall, on conviction by such Magistrate, be punished with fine which may extend to fifty rupees. The whole

Penalty on recruiter failing to provide food and lodging for emigrants during journey.

or any portion of such fine may be awarded to such emigrant as compensation. If the fine be not paid within twenty-four hours, the recruiter shall be punished with imprisonment, simple or rigorous, which may extend to one month.

CHAPTER 6.—*Depôt.*

Contractor to report arrival of emigrants.

52. Within twenty-four hours after the arrival at any depôt of any emigrant, the contractor by whom such depôt is maintained, shall give to the superintendent of emigration a notice in writing of such arrival, which notice shall be in such form and shall contain such particulars as the superintendent shall prescribe.

Emigrants to be inspected by medical inspector immediately on arrival.

53. The copy of the registration and the medical certificate of every emigrant received by the superintendent as provided in section forty-five shall be shown to the medical inspector; and all emigrants shall be inspected by the medical inspector at the depôt. If he be satisfied that an emigrant is in a fit of state of health, and able in point of physical condition to journey to and labor in a labor district, he shall countersign the copy of the registration; if he be not satisfied thereof, he shall give a certificate to that effect to the superintendent.

Medical inspector to examine emigrant if medical certificate not given.

The medical inspector shall examine any emigrant in regard to whom a medical certificate is not forthcoming, and shall certify whether such emigrant is, in his opinion, in a fit state of health and able in point of physical condition to journey to and work for hire in a labor district; and if satisfied of his fitness, he shall countersign the copy of the registration.

Emigrant rejected by medical inspector to be sent back.

54. If the medical inspector shall certify that any emigrant so examined is in such a state of health that his journey to a labor district would be dangerous to himself or to others, or that he is unfit for labor in a labor district, the superintendent may order the contractor, or the garden-sirdar, if such emigrant has been forwarded or brought to the depôt by a garden-sirdar, to pay to him a sum of money sufficient to enable him to return to the place at which he was engaged.

But not until he is fit to undertake the journey.

Provided that any such person who, from his state of health, is, in the opinion of the medical inspector, unfit to undertake the journey back to the place where he was engaged, shall, until he is reported by the medical inspector fit to undertake such journey, be fed, clothed, lodged, and medically attended at the expense of such contractor, or of such garden-sirdar, as the case may be. If such contractor or garden-sirdar negligently or wilfully omits to provide food, cloth-

ing, lodging, and medical attendance for such person, the superintendent may order such contractor or garden-sirdar to pay to him a sum of money by way of compensation.

Family of detained emigrant may remain with him.

55. Whenever an emigrant remains behind or is detained under the provisions of the last preceding section, it shall be optional with the wife or husband of such emigrant, as the case may be, to remain with the emigrant so remaining behind or detained. If there are any children, they shall also be allowed to remain behind with the father or mother.

Emigrant ill-treated during journey may obtain compensation.

56. If, upon the arrival of any emigrant at a depôt, it shall appear to the superintendent of emigration, on the complaint of such emigrant, that he has suffered any ill-treatment on the journey, or that the recruiter or garden-sirdar, as the case may be, has failed to provide him with proper and sufficient food and lodging, the superintendent may cause him to be removed from the depôt, and may order the contractor or garden-sirdar, for or by whom he shall have been taken to such depôt, to pay to him a sum of money by way of compensation, or sufficient to enable him to return to the place at which he was engaged; and in such latter case he shall not be bound to execute any contract.

Contract to be explained by superintendent and executed in duplicate.

57. Every emigrant, who is passed by the medical inspector as in a fit state of health, and able in point of physical condition to journey to and labor in a labor district, shall execute a contract with the employer with whom he intends to contract before he is forwarded from the depôt. Such contract shall, in the presence of the superintendent of emigration, be signed in duplicate both by the emigrant and by the employer with whom he intends to contract, or his agent. The contract may be written or printed, or partly written and partly printed, and shall be on substantial paper. Before the emigrant signs the contract, the superintendent shall personally explain it to him, and shall attest such contract and certify at the foot thereof that he has personally explained the same.

Abstract to be entered in book to be kept by superintendent.

An abstract of every such contract shall be entered in a register to be kept by the superintendent for the purpose, and after such contract has been so entered, one of the duplicates shall be given to the emigrant, and the other to the person with whom he has contracted or his agent.

Copy of abstract to be sent to Magistrate.

The superintendent shall, within seven days after the entry of such abstract, send by post a certified copy of every such abstract to the Magistrate of the district in which the service under such contract is agreed to be performed.

58. Any emigrant who, without reasonable cause, refuses to execute such contract in conformity with the engagement previously registered shall, on conviction by a Magistrate, be punished with a fine equal in amount to the entire cost incurred by, or on behalf of, the contractor, or the garden-sirdar, as the case may be, in engaging, registering, and bringing or forwarding him to the depôt, and shall forthwith be discharged from such depôt. Every fine levied under the provisions of this section shall be paid to the contractor or garden-sirdar on whose behalf or by whom the person from whom such fine shall have been levied was originally registered.

Penalty on emigrant refusing to execute contract.

59. If within thirty days after the arrival of any emigrant at a depôt the contractor, or, if he has been engaged by a garden-sirdar, the garden-sirdar on whose behalf or by whom such emigrant has been registered, shall not tender to him for execution such contract as under the provisions of the preceding sections he would be bound to execute, the superintendent may order the contractor or the garden-sirdar, as the case may be, to pay to him a sum of money sufficient to enable him to return to the place were he was engaged, and in such case such emigrant shall not be bound to execute any contract.

Penalty on contractor failing to contract.

60. If any contractor or garden-sirdar, who may be ordered, under the provisions of sections fifty-four, fifty-six, and fifty-nine, to pay any sum of money, shall for twenty-four hours omit to comply with such order, it shall be lawful for the superintendent to advance the amount so ordered to be paid to the person named in such order, and to recover from such contractor or garden-sirdar or his employer the sum so advanced, with interest at the rate of twelve per centum per annum from the date of such advance.

Money ordered to be paid by superintendent may be advanced by him and recovered.

CHAPTER 7.—*Transport.*

61. When the contract of any emigrant has been executed under the provisions of this Act, he may, with the permission of the superintendent of emigration, be forwarded to the labor district in which he has engaged to labor by the contractor in whose depôt he is residing, or by the employer with whom he has made the contract, or his agent.

Emigrant to be forwarded to labor district with permission of superintendent.

Every such emigrant shall be furnished with a pass in the form set forth in Schedule E annexed to this Act, signed by the contractor or garden-sirdar, as the case may be, and countersigned by the superintendent of emigration, and by the embarkation agent at the place at which the laborer embarks, specifying his name and age, the name of his father, the place of his destination, and the name

To be furnished with a pass.

of his employer. Every such pass shall be entered in a book to be kept by the embarkation agent, and shall be dated and numbered in a consecutive series.

Vessel must be licensed to carry emigrants.

62. It shall not be lawful for the master of any vessel, without a license granted by the embarkation agent within the local limits of whose authority any emigrant may embark, to convey more than twenty emigrants at any one time to or towards any labor district.

Fee for license.

A fee not exceeding four annas for every emigrant shall be paid for every such license, and it shall be in the discretion of the embarkation agent to whom application is made to grant or withhold any such license. Such license shall be in force for only one voyage to one or more of the labor districts, and shall specify the number of emigrants which the vessel is licensed to carry, and the number of persons (including the crew) other than emigrants whom such vessel is licensed to carry.

Penalty for carrying without a license.

The master of any vessel, in which at one time more than twenty emigrants are conveyed without a license having been obtained as aforesaid, shall, on conviction by a Magistrate, be punished with fine.

Penalty for delay in despatching vessel.

63. Such license shall state the date on which the vessel shall leave the place at which the emigrants are to embark. If the vessel does not leave such place and proceed on its voyage within twenty-four hours of the day fixed, the master thereof shall, on conviction by a Magistrate, be punished with fine for each day during which the vessel remains at or within five miles of the place of embarkation. Provided that such penalty shall not be incurred if the delay is caused by or with the sanction of the embarkation agent, or by any casualty incidental to or attending navigation, or is due to other reasonable and sufficient cause.

Fraudulent alteration of vessel after grant of certificate.

64. If the master of any vessel, after having obtained a license as aforesaid, fraudulently does or suffers to be done any act or thing whereby the state of the vessel is altered, so that such vessel is unfit for the accommodation of the number of emigrants mentioned in such license, such master shall, on conviction by a Magistrate, be punished with fine.

Penalty for receiving on board more passengers than number specified in license.

65. The master of any vessel licensed to carry emigrants, who receives on board his vessel a greater number of emigrants or other persons than the number specified in his license shall, on conviction by a Magistrate, be punished with a fine for every emigrant or other person so received in excess of the licensed number.

Two children under ten to be counted as one person.

66. In computing under this Act the number of persons on board of any vessel, two children under the age of ten years shall be reckoned as one person only.

Master not to embark emigrants on vessel carrying more than 20 emigrants without a pass.

67. It shall not be lawful for the master of any vessel, whether licensed or not, to embark any emigrants on board his vessel for conveyance to, or towards a labor district, if the total number of persons to be carried by such vessel (exclusive of the crew, and of any garden-sirdar or other person accompanying the emigrants), exceeds twenty, unless the emigrants are furnished with a pass by the embarkation agent in the form set out in Schedule E of this Act.

Penalty.

The master shall, on conviction by a Magistrate, be punished with a fine not exceeding ten rupees for every emigrant illegally taken on board.

No pass without certificate of medical inspector.

The embarkation agent shall not grant any such pass without a certificate from the medical inspector that such emigrants may be allowed to embark without danger to the health of other persons on board the vessel.

Embarkation agent to furnish the master with a list of emigrants on board.

68. The master of a licensed vessel carrying emigrants shall not proceed on the voyage towards a labor district until he has received from the embarkation agent a list of all the emigrants on board.

Contents of list.

Such list shall contain all the particulars noted in the pass of each such emigrant; but if all the emigrants, whose names are entered in any one pass, embark on board the same vessel, it shall be sufficient if the number and date of such pass are noted in the list.

To be compared with emigrants by agent and master.

The embarkation agent and the master of the vessel shall together personally ascertain that the number of emigrants on board corresponds with the number entered in such list.

Penalty for admitting emigrants not in list.

If the master of such vessel allows any emigrant not entered in such list to proceed in the vessel, he shall, on conviction by a Magistrate, be punished with fine.

Copy of list to be sent to Magistrate.

The embarkation agent shall send a copy of the said list or an extract from it to the Magistrate of the labor district to which any of the emigrants are proceeding.

Provisions, medical and other stores, medical officers, cooks, &c.

69. There shall be laden under the supervision of the embarkation agent on board of any licensed vessel carrying emigrants to or towards any labor district, at the time of the embarkation of such emigrants, such supplies of provisions, clothing, medical drugs, and other stores and such medical and other officers, and such cooks and other attendants, as may be required under the rules made by the Lieutenant-Governor under the authority of this Act.

Penalty if master proceeds without them.

The master of any such vessel who shall commence the voyage without having on board such supplies of provisions, clothing, medical drugs, and other stores, and such medical and other officers, and such cooks and other attendants as may be required as aforesaid, shall, on conviction by a Magistrate, be punished with imprisonment, simple or rigorous, for a term which may extend to three months, or with fine which may extend to five hundred rupees.

Vessel carrying 200 emigrants must carry a qualified medical officer

70. No vessel carrying two hundred emigrants shall be allowed to proceed on the voyage unless a medical officer, who is a licentiate in medicine, or who is declared to be qualified for such charge by order of the Lieutenant-Governor, has been appointed to the charge of such emigrants. And any master who shall commence the voyage without having on board such medical officer as aforesaid shall, on conviction by a Magistrate, be punished with a fine not exceeding five hundred rupees, and, in default of payment, imprisonment for a term not exceeding three months.

Emigrant not allowed finally to leave vessel at any place other than that mentioned in pass.

71. If the master of any licensed vessel carrying emigrants shall, save as hereinafter is provided, cause or permit any emigrant, whose contract has been executed under the provisions of this Act, finally to leave such vessel at any place other than that named as the destination of such emigrant in his pass, such master shall, on conviction by a Magistrate, be punished with fine for each such offence. Provided always, that this section shall not be deemed to prevent the master of any vessel from permitting emigrants to disembark at any place or places on the voyage so long as such disembarkation is not intended or known to be likely to be final; nor to prevent the final disembarkation of any emigrants in case of accident or other unavoidable necessity if such accident or necessity be forthwith reported to the embarkation agent by whom the license of such vessel was granted, and to the nearest Magistrate in the district within which such accident may occur or necessity arise.

72. Every licensed vessel carrying emigrants shall stop at every place in which a Magistrate is stationed, intermediate between the places of embarkation and disembarkation of such emigrants, and shall remain during not less than six hours of daylight unless the Magistrate shall permit an earlier departure. The master of every such vessel shall, immediately on arrival, report to the Magistrate, or such officer as may have been deputed by the Magistrate in that behalf under the provisions of section eighty-nine, the number of emigrants on board, the general state of their health, and the number of deaths (if any) which have occurred among the persons who embarked on such vessel.

Master to report arrival of emigrants at every intermediate station where there is a Magistrate.

Any master who wilfully omits to comply with the provisions of this section shall on conviction be punished with fine.

73. A Magistrate may at any time go on board of any licensed vessel carrying emigrants while within the limits of his jurisdiction, and may inspect the vessel, the emigrants, and all persons on board.

Magistrate may at any time inspect vessel.

The master and officers of such vessel shall be bound to afford to such Magistrate all reasonable facility for such inspection, and to give him all such information respecting the emigrants or other persons on board as may be reasonably required, and respecting any debts which may have occurred on board, and respecting any other facts which may affect the health of the emigrants.

Master bound to give all information required.

Any master or other officer, who wilfully omits to give any such information to such magistrate, shall, on conviction, be punished with fine.

Penalty for omission.

74. On the arrival of any licensed vessel, or at any time while it is within the limits of his jurisdiction, the Magistrate may regulate the communication between such vessel and the land, and may prohibit all persons from leaving the vessel and all persons on land from proceeding on board. And any person not complying with any order made under this section shall, on conviction, be punished with fine.

Magistrate may regulate communication between vessel and land.

75. A Magistrate may, if he has reason to believe that any emigrants on board any licensed vessel within the limits of his jurisdiction are, or are likely to be, affected with any infectious or contagious disease, detain such vessel, and require the civil medical officer of the district, or other qualified medical officer, to inspect the emigrants on board such vessel, and to report on their health, and whether any or what measures are requisite

Magistrate may detain vessel for inspection and for prevention of disease, and may detain sick emigrants

for the removal or prevention of such disease. After the submission of such report, the Magistrate may detain the vessel for a further period not exceeding five days for the purpose of carrying out such measures, if any, recommended by the medical officer in his report, and he may further detain at such station for medical treatment any emigrant who is affected with any infectious or contagious disease.

Magistrate may detain sick emigrants, and must arrange for their accommodation and treatment.

76. If it appears to a Magistrate expedient that an emigrant, whose contract has been executed under the provisions of this Act, should not be allowed to proceed towards a labor district in consequence of ill health, he may order the detention of such emigrant; and in such case he shall cause all necessary arrangements to be made for the accommodation, support, and medical treatment of such emigrant.

Expenses how to be recovered.

77. All expenses incurred under section seventy-six by a Magistrate, or other officer deputed by him under the provisions of section eighty-nine in respect of any emigrant so detained, shall, with interest at six per centum per annum, be recoverable by him from the contractor by whom the emigrant has been engaged or forwarded; or in the case of an emigrant engaged by a garden-sirdar, from the employer from whom such garden-sirdar received his certificate.

Detention of emigrants having infectious diseases.

78. If it appears to a Magistrate that the health of any emigrant (other than an emigrant mentioned in the two last preceding sections) is such that he cannot proceed without endangering the health of those on board, he may order the detention of such emigrant.

Measures to be taken if excess number of emigrants is found on board.

79. If it appears to a Magistrate making an inspection of any licensed vessel that the number of emigrants on board is larger than the number specified in the license, he may remove the excess number and detain them until another opportunity of forwarding them to their destination is found. The necessary expense of maintaining such emigrants, and of conveying them to their destination, shall be recoverable by such Magistrate, or other officer who may have been deputed as aforesaid, from the master of such vessel.

Infraction of the Act and rules to be reported.

80. In any case in which, on making an inspection of a licensed vessel, a Magistrate shall find that any of the provisions of this Act or of any rule made by the Lieutenant-Governor under the authority of this Act have not been complied with, he shall report the same to the embarkation agent by whom the license to carry the emigrants was granted to such vessel;

and if the circumstances of the case are such as in such Magistrate's opinion make it necessary so to do, he may detain the vessel until the provisions of this Act, or any rule made by the Lieutenant-Governor, as aforesaid, have been complied with, so far as to make it possible for the voyage to be further prosecuted with safety and reasonable comfort to the emigrants.

Vessel may be detained.

81. Whenever any licensed vessel carrying emigrants arrives at a civil station, at which it is intended that any of such emigrants shall disembark, the master shall immediately give notice of the arrival to the Magistrate or such officer as may have been deputed by the Magistrate in that behalf under the provisions of section eighty-nine, and shall forward to him at the same time the list furnished to him by the embarkation agent under the provisions of section sixty-eight, or a copy of so much of the said list as relates to the emigrants who are to disembark. The master shall not permit any emigrants, whose contracts have been executed under the provisions of this Act, to leave the vessel without the order of the Magistrate.

On arrival of licensed vessel at the place of disembarkation, the master shall give information to the magistrate.

Immediately on the receipt of such notice, the Magistrate shall send information of the arrival of the emigrants to the employers with whom they have contracted, or to the agents of such persons. And he shall at the same time direct the civil medical officer of the station, or other qualified medical officer, to go on board such vessel and to inspect such emigrants.

Magistrate shall send information to employer or agent and direct medical inspection.

Such medical officer shall, without delay, make a careful inspection of all such emigrants; and after making such inspection, shall prepare and sign a report, in which he shall certify the state of health and general condition of each emigrant so inspected.

Report of medical inspection.

82. The Magistrate shall detain at the station for medical treatment any emigrant, whose contract has been executed under the provisions of this Act, who is, in the opinion of the medical officer, in such a state of health as to be unfit to proceed to the place at which he has contracted to labor. In such case he shall cause all necessary arrangements to be made for the accommodation, support, and medical treatment of such emigrant, and all expenses so incurred by the Magistrate in respect of any emigrant so detained shall, with interest at six per centum per annum, be recoverable by him from the employer with whom such emigrant has contracted.

Sick emigrants to be detained at station.

83. The Magistrate shall also ascertain whether reasonable provision has been made for the support and lodging of emigrants, whose contracts have been executed under the provisions of this Act, from the time of their disembarkation till they reach their final destination. If he is satisfied that such reasonable provision has been made, the employer with whom such emigrants have contracted or his agent shall forthwith take charge of such emigrants, except those, if any, detained under the provisions of the last preceding section.

If necessary provision has been made for the support and lodging of the emigrants, they shall be made over to employer or agent.

But if such reasonable provision has not been made, or if the employer or his agent shall not be present at the place of disembarkation, the Magistrate shall order such arrangements to be made, and incur such expenses as, under the circumstances, may seem to him necessary;

If not made, or if employer or agent not present, Magistrate to make arrangements.

And the amount of expenses so incurred by him in the disembarkation, or in respect of the food, lodging, medicines, hospital attendance, or clothing of the laborers, shall, with interest at the rate of twelve per centum per annum, be recoverable by him from the employer with whom such emigrants have contracted.

Expenses recoverable from employers.

84. If it is intended that emigrants, whose contracts have been executed under the provisions of this Act on board of any licensed vessel, shall disembark at a place which is not a civil station, the master of such vessel shall report the arrival, as required in section eighty-one, to the Magistrate or such officer as may have been deputed by the Magistrate in that behalf under the provisions of section eighty-nine, at the last civil station which such vessel shall pass before arriving at the said place of disembarkation, and shall not proceed on his voyage until the medical inspection of such emigrants has been made as provided in the said section. The master shall not permit any such emigrants to leave the vessel without the order of the Magistrate. Immediately on the receipt of such notice, the Magistrate shall send information of the arrival of the emigrants to the employers with whom they have contracted, or to the agents of such persons. When such inspection has been made, the Magistrate shall, without delay, authorize the master to proceed on his voyage, provided that he may, if he thinks fit, detain any emigrant who is unfit to proceed under the provisions of section seventy-six.

If emigrants are to disembark at a place other than a civil station, medical inspection to be made at the civil station last preceding.

85. On the arrival of any licensed vessel at a place of disembarkation which is not a civil station, emigrants, whose contracts have been executed under the provisions of this Act,

Disembarkation at such place.

who are to disembark at such place, shall, in case the employers with whom they have contracted to labor, or the agents of such persons, be present, be disembarked and given in charge to such employers or agents.

If necessary provision not made, emigrants to be carried on to next station.

Provided that in case the medical officer in charge of such emigrants, if there be any such medical officer, and if there be not, then the master of the vessel in which such emigrants have been conveyed, shall be of opinion that any of such emigrants are in such a state of health as to be unfit to proceed to the places where they have respectively contracted to labor, or that reasonable provision for the support and lodging of such emigrants from the time of their desembarkation till they reach their final destination has not been made, or in case the employers with whom such emigrants have contracted to labor, or the agents of such persons, shall not be present at the place of disembarkation, then and in every such case the emigrants so unfit to proceed, or for whose support reasonable provision has not been made, or whose employers may not be present personally or by their agents, shall be further conveyed in the vessel to the next civil station, and shall be there disembarked, and the place at which they shall be so disembarked shall, for the purposes of this Act, be deemed to be their place of disembarkation.

Family of detained emigrant may remain with him.

86. Whenever an emigrant is detained under the provisions of sections seventy-six, eighty-two, or eighty-four, or is further conveyed under the provisions of section eighty-five, it shall be optional with the wife or husband of such emigrant, as the case may be, to remain with the emigrant so detained, or to be taken forward along with the emigrant so further conveyed. If there are any children, they shall also be allowed to remain, or be taken forward, with the father or mother.

Particulars to be entered in the reports of medical officers.

87. Every medical officer who is required to make a report under the provisions of this Chapter shall submit such report to the Magistrate, and shall enter therein the name and age of each emigrant, the name of his father, the place of his destination, and the name of his employer, as set forth in the list prepared by the embarkation agent under the provisions of section sixty-eight.

Magistrate to report arrival of all emigrants, and all proceedings to the superintendent of emigration.

88. The Magistrate, or other officer deputed by him under the provisions of section eighty-nine, shall make a detailed report to the superintendent of emigration of the arrival of all emigrants carried in a licensed vessel, and of all proceedings taken and orders passed by him

under the provisions of this Chapter, and shall forward with such report a copy of every report made to him by a medical officer relating to emigrants proceeding to a labor district. He shall also forward to the superintendent any observations which he or the medical officer may think fit to make in regard to the state of health and general condition of the emigrants.

In certain cases through the embarkation agent.

Whenever such reports or observations relate to emigrants carried in a licensed vessel, he shall forward them to the embarkation agent by whom such emigrants were despatched, and the agent shall transmit them to the superintendent with any remarks which he may desire to record.

Magistrate may depute a subordinate magistrate to discharge the functions of the magistrate.

89. The Magistrate of a district, or of a division of a district, may depute any subordinate Magistrate to exercise the powers and authorities conferred, and perform the duties imposed on a Magistrate under the provisions of sections seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-eight, seventy-nine, eighty, eighty-one, eighty-two, eighty-three, eighty-four, and eighty-eight.

Penalty, if master or medical officer neglects to enforce rules.

90. Every master of a vessel, or medical officer in charge of emigrants on board of any vessel carrying emigrants, who shall wilfully and knowingly neglect or refuse to obey or to enforce on board of such vessel any rule which may, from time to time, be prescribed by the Lieutenant-Governor under the authority of this Act, shall, on conviction by a Magistrate, be punished with fine.

Jurisdiction, if offence created by this Act is committed on board.

91. Any offence against any of the provisions of this Chapter, or of any rule made by the Lieutenant-Governor under the authority of this Act, committed on board of any vessel, may be tried by any Magistrate exercising jurisdiction in any place at which emigrants may have embarked on board such vessel, or may have disembarked from such vessel, or in any place in which such vessel may be detained under the provisions of this Act.

Punishment of emigrant for desertion.

92. Any emigrant whose contract has been executed under the provisions of this Act, who deserts while in transit from the district in which he has been registered to the district in which he has engaged to labor, may, on conviction by a Magistrate, be punished with imprisonment, simple or rigorous, for a period which may extend to three months. Such offence may be inquired into and tried in the district in which such emigrant is apprehended, or in the district in which the desertion took place, or in the district in which he was registered.

93. The provisions with regard to engaged natives of India, and emigrants contained in sections twenty-seven, twenty-nine, thirty, thirty-one, fifty-one, fifty-four, fifty-six, sixty-nine, seventy-five, seventy-six, eighty, eighty-two, eighty-three, and eighty-four of this Act, shall be applicable to such women, children, and aged relatives of such natives and emigrants as may, with the consent of a contractor, recruiter, or garden-sirdar, as the case may be, and with the written permission of the registering magistrate or superintendent, accompany them without having entered into an engagement.

Provisions of sections 27, 29, 30, 31, 51, 54, 56, 69, 75, 76, 80, 82, 83, and 84, to apply to children, &c., accompanying emigrants.

94. The provisions of this Chapter shall not apply to domestic servants, or to any person proceeding alone or accompanied by his wife and family only.

Provisions of this Chapter not to apply to domestic servants, &c.

PART III.

Labor Districts.

Chapter 8.—*Inland Labor Transport Fund.*

95. The Lieutenant-Governor may from time to time, by order published in the *Calcutta Gazette*, fix a yearly rate, not exceeding one rupee and eight annas per laborer, for the purpose of defraying the expense of carrying out the purposes of this Act; and the sum or rate so fixed shall be paid half-yearly by each employer on the last day of July and the last day of January in each year for each laborer entered in the last return of laborers furnished (as is hereinafter provided) by such employer before such date.

Annual rate payable by employers.

96. If any employer shall fail to comply with the provisions of the last preceding section, it shall be the duty of the Magistrate to notify such default to him; and if, within one month from the receipt of such notification, or such longer period as may, under special circumstances, appear to the Magistrate reasonable, such employer shall not so comply, the Magistrate shall, by distress and sale of any moveable property which may be found in the possession or under the charge of such employer, levy the sum so payable.

Payment of rate how to be enforced.

If there shall be no such moveable property, or insufficient moveable property so found, the amount shall be recoverable by a civil regular suit from the person for whose benefit the laborers in respect of whom the same may be payable shall have been employed. In every such suit the Government shall be named as plaintiff, and the cause of action shall be taken to have arisen within the limits of the jurisdiction of any court having jurisdiction at any place where any such laborers may have been employed by such employer.

Recovery of rate if no moveable property found.

97. Subject to the powers conferred on a Magistrate by this Act or by the Code of Criminal Procedure, of awarding fines in whole or in part as compensation to or for the benefit of any complainant or other person, all fines, fees, and rates levied and paid under this Act shall be credited to a fund which shall be called the "Inland Labor Transport Fund," and such fund shall be at the disposal of the Lieutenant Governor for defraying the expenses of carrying out the purposes of this Act.

Fines, fees, and rates to be credited to "Inland Labor Transport Fund."

CHAPTER 9.—*Inspector's Returns and Magistrate's Inspections.*

98. The Lieutenant-Governor may appoint in any labor district so many inspectors and assistant inspectors of laborers as he may think proper, and may define, by notification in the *Calcutta Gazette*, the local limits within which each such inspector and assistant inspector shall exercise the powers and authorities conferred, and perform the duties imposed on him by this Act. Such inspectors and assistant inspectors may be by the said Lieutenant-Governor vested with all or any of the powers of a Magistrate.

Appointment of inspectors and assistant inspectors.

99. The Lieutenant-Governor may authorize inspectors and assistant inspectors to entertain such establishment as he may think fit. An assistant inspector shall perform all such duties and exercise all such powers of an inspector as he is authorized in writing by the inspector to perform or exercise.

Establishment.

100. Every employer shall, on or before the last day of January and the last day of July, in each and every year, make out in writing, and deliver to the inspector of laborers, a return of the number of all laborers (as well as laborers defined by this Act as others) employed by such employer on the last day of the preceding month, and return of the sickness and mortality among the laborers during the preceding six months.

Half yearly report of laborers employed, of their state of health, and of mortality.

Such returns shall be kept separate with regard to each class of laborers as above mentioned, and, in the case of laborers as defined by this Act, the return of laborers employed shall specify the date on which the contract of each laborer commenced, and the period of service contracted for.

Separate returns of each class of laborers to be kept.

Copies of such returns shall be entered in a book to be kept by the employer at his place of business or on his estate.

Copies to be kept.

101. If any laborer shall die, desert, complete his contract, or obtain a release therefrom during the six months preceding any such return, as in the last preceding section is men-

Entry to be made of death, desertion, &c.

tioned, the fact of such death, desertion, completion of contract, or release, shall be entered in the book to be kept as aforesaid by the employer, opposite the name of such laborer.

Entry to be made of name and description of laborer.

102. On the arrival of any laborer, as defined by this Act, on the estate of his employer, the name and description of such laborer shall be entered in the book to be kept as aforesaid by the employer, and in like manner the name and description of every person, who shall contract to labor otherwise than under the provisions of this Act, shall be so entered. Such book shall be open to the inspector of laborers, who shall have power to muster all laborers and other persons, lastly hereinbefore mentioned, and to verify the accuracy of the entries in such book.

Penalty for omission to furnish such report or for submitting false report.

103. If any employer shall refuse or wilfully omit duly to send in any such return, or shall knowingly send in an incorrect return, such employer shall, on conviction by a Magistrate, be punished with fine.

Periodical inspection of laborers to be made by inspector.

104. Every inspector of laborers shall once, within each of such periods, as may be fixed for such purpose by the Lieutenant-Governor, visit all lands within the limits of his authority on which there shall be employed any laborers, and inspect every hospital, tent, camp, or building in any way used by any such laborers, and investigate the condition of the laborers employed; and for such purpose the inspector may require that any laborer shall be brought before him with his contract, and may make such inquiries as may to him seem proper.

Books to be kept by inspector.

Every such inspector shall keep books, in which, from time to time, shall be entered the number of laborers then under contract with each employer, the number who shall then be sick or missing, or who shall have complained of ill-treatment, the particulars of such complaints, and such other particulars regarding the laborers as the Lieutenant-Governor shall from time to time direct.

Annual report.

Each inspector shall annually make a written report to the Lieutenant-Governor through the Commissioner of the division of the aforesaid particulars: and every such report, as regards the laborers under any particular employer, shall, at all reasonable times, be open to the inspection of such employer or any person by him appointed in writing in that behalf, and the person so inspecting shall be entitled to take a copy of the report so far as it relates to such laborers.

LEGAL SECRETARY'S LIBRARY

Magistrate may at any time inspect laborers' buildings used by them, &c.

105. It shall be lawful for any Magistrate exercising jurisdiction in the district, or any person authorized by him in writing in that behalf, at any time to enter and inspect any hospital, tent, camp, or building, wholly or partially used by or for laborers; and to require that any laborer shall be brought before him with his contract, and to make any inquiries which he may think proper touching the condition or treatment of any laborer.

Penalty for obstructing inspection or inquiry.

If any employer, or other person acting for or under such employer, wilfully obstructs or impedes any entry, inspection, or inquiry, made under either of the two preceding sections, such employer or other person as aforesaid shall, on conviction by a Magistrate, be punished with fine not exceeding five hundred rupees for each such offence.

CHAPTER 10.—*Regulation of Labor.*

Schedule of daily tasks to be framed.

106. Every employer shall, from time to time, with the sanction of the inspector previously obtained, fix the daily tasks to be executed by the laborers employed by such employer, and shall frame a schedule of such daily tasks and publish the same by posting a copy thereof in the Bengali language upon the door of each place of payment of the laborers employed by such employer, and by sending a copy thereof in the English language to the inspector.

Maximum amount of labor.

107. No laborer shall be bound to work under his contract more than six days in one week, or more than six hours consecutively, or more than nine hours on any one day.

Inspector may submit schedule to a committee.

108. If at any time the inspector considers such schedule of daily tasks or any part thereof to be unreasonable, he shall refer the consideration of such schedule to a committee consisting of the inspector, of some employer to be nominated by him, and of some person to be nominated by the employer whose schedule is to be considered, or, on his default, by the inspector.

Committee to revise schedule.

109. In case the said committee or the majority in number thereof are of opinion that the daily tasks in such schedule contained, or any of them, are unreasonable, they shall modify and reduce such daily tasks in such manner as they shall deem reasonable, and such schedule so modified shall be published in manner aforesaid, and every schedule published as aforesaid shall have effect as between the employer and laborers in substitution for any former schedule.

CHAPTER 11.—*Incapacity for Labor.*

Inspector may suspend contract of any laborer temporarily unfitted for labor.

110. It shall be lawful for the inspector of laborers, within the local limits of whose authority any laborer may be employed, to suspend, for such period as he shall consider advisable, the contract of such laborer, or any particular term thereof, if such laborer shall be, in the judgment of such inspector, temporarily unfitted for the performance thereof by reason of sickness, pregnancy, or other sufficient cause.

Suspension to be endorsed on contract, and laborer to receive subsistence money.

Provided that every such suspension shall be endorsed by the inspector on the contract. Provided also that every such laborer shall, during such incapacity, receive such subsistence money from his employer as shall be considered sufficient by the inspector, and that the time during which the suspension continues shall not be reckoned as part of the term for which the laborer is bound to serve.

Penalty for compelling laborer to perform work for which he is unfit.

111. If it shall be found that any laborer has been compelled to perform any species of labor for which he was at the time unfit, the employer by whom he was so employed shall, on conviction by a Magistrate, be punished with fine.

Discharge of laborers permanently incapacitated.

112. If, in the opinion of the inspector of laborers, any laborer shall be permanently incapacitated for the performance of his contract or any material part thereof, the inspector shall certify to that effect in writing, and deliver such certificate to the employer of such laborer or some one on his behalf, and from the date of such certificate the contract of such laborer shall wholly cease and determine. The inspector shall make a return of all such cases of determination of contract in his report under section one hundred and four. Every laborer whose contract shall have been determined as aforesaid shall be entitled to receive from his employer such sum, not exceeding three months' wages, as the inspector may award, and such sum shall be recoverable before a Magistrate in the manner hereinafter provided for the recovery of wages.

CHAPTER 12.—*Necessary Provision for Laborers.*

Sufficient house accommodation, water-supply, and sanitary arrangements, to be provided.

113. Whenever any laborer shall be employed in any labor district, the employer of such laborers shall be bound to provide for them sufficient and proper house accommodation, water-supply, sanitary arrangements, and rice.

Hospital, medicines, &c., to be provided.

114. Every employer shall be bound to provide for his laborers sufficient hospital accommodation and such medicines of such quality and description, and according to such scale,

as shall from time to time be fixed by the Lieutenant-Governor; and if three hundred or more laborers shall be employed by any employer, it shall be the duty of such employer to place in medical charge of such laborers a medical officer holding a medical diploma as licentiate in medicine from some Indian or European collegiate institution authorized to grant diplomas, or an officer for the time being licensed by the local Government to act in such medical charge of laborers.

Inquiry whether employer has failed to provide as required by the rules.

115. It shall be lawful for any inspector or assistant inspector, who is himself a Magistrate, to institute within his jurisdiction, on the lands in charge of any employer, or at some place within his jurisdiction not more than ten miles distant from such lands, an inquiry whether such employer has provided for his laborers sufficient and proper house accommodation, water-supply, sanitary arrangements, or rice. On the complaint of any inspector or assistant inspector a similar inquiry may be made by a Magistrate.

Penalty for gross neglect as to house accommodation, &c, and for wilfully omitting to comply with the order of the Magistrate in such respect.

116. If the employer is convicted of gross neglect in not having provided sufficient and proper house accommodation, water-supply, sanitary arrangements, or rice, such employer shall be punished with a fine not exceeding five hundred rupees. In any case where a Magistrate shall find that proper or sufficient house accommodation, water-supply, sanitary arrangement, or rice, has not been provided, he may order the employer to provide such proper and sufficient house accommodation, water-supply, sanitary arrangements, and rice. If the employer wilfully omits to comply with such order, he shall, on conviction, be punished with a fine not exceeding one hundred rupees a day for every day that such omission continues. In default of payment by the employer of the last mentioned fine, the person on whose account such employer has been acting shall be liable to pay the fine.

Penalty for failure to provide hospital accommodation, &c.

117. Wherever such sufficient hospital accommodation or such medicines of such quality and description, and according to such scale, or such medical officer as aforesaid, shall not have been provided, the employer or other person, through whose wilful default the same shall not have been provided, shall, on conviction by a Magistrate, be punished with fine for every week during which any such default continues.

CHAPTER 13.—*Localities unfit for the residence of Laborers.*

Inspector to report and Magistrate to summon committee.

118. If an inspector of laborers shall at any time have reason to believe that any estate or portion of an estate situated within the limits of his jurisdiction is by reason of climate, situation, or condition unfit for the residence of laborers,

he shall give notice in writing of his opinion to the Magistrate of the district, and such Magistrate shall forthwith summon a committee to inquire into the fitness of such estate or portion thereof for the residence of laborers.

Constitution of committee.

Such committee shall consist of the Magistrate, the inspector of laborers, the medical officer of the district, and one or more employers of laborers, when such persons are available. If the Magistrate is unable to procure the service on such committee of any employer of laborers, he may, with the sanction of the Commissioner of the division, appoint one or more persons whom he may deem qualified.

Proceedings of committee.

Such committee shall proceed, with as little delay as possible, to inquire into the healthiness of the estate or portion thereof to which the order appointing the committee has reference, and shall hear such information on the subject as the owner of the estate, or the employer or inspector, may desire to place before it; and if such committee, or the major part in number thereof, shall be of opinion that such estate or any portion thereof be unfit for the residence of laborers, it shall record a finding to that effect;

Contract to be void as regards estate found unfit.

and the contract of every laborer who shall have contracted to serve on such estate shall thereupon be void as regards such estate or portion of estate as may be found unfit for the residence of laborers.

As regards other localities.

Provided that every such contract shall continue valid with regard to any other portion of such estate or to any other estate of the same employer in the same district.

Inquiry in case mortality in past year exceeds 7 per cent, or if the average of 3 years exceeds 7 per cent.

119. If it shall at any time appear that the number of laborers (as well laborers defined by this Act as others) who have died on any estate or portion of an estate during the preceding twelve months, bears a larger proportion to the whole number of laborers (as well laborers defined by this Act as others) employed thereon during such period than seven per centum, or if the average annual number of laborers (as well laborers defined by this Act as others) who have died on such estate or portion thereof during the preceding three years bears a larger proportion to the whole number of laborers (as well laborers defined by this Act as others) employed thereon during such period than seven per centum, it shall be lawful for the Lieutenant-Governor to direct the civil medical officer of the district, or other qualified medical officer, to inquire into and report on the following matters:—

(1)—The cause or causes of such mortality.

(2)—The want (if any) of due care or precaution and of the adoption of proper and available sanitary measures, on the part of the owner of such estate or portion thereof or the employer, causing or contributing to such mortality.

(3)—The fitness or otherwise of such estate or portion thereof for the residence of laborers and the reasons thereof.

Medical officer to report.

Such medical officer shall proceed with as little delay as possible, and shall hear and record such information on the subject of the several matters aforesaid as the owner of such estate or portion thereof, or the employer or inspector may desire to place before him, and shall visit and inspect such estate or portion thereof, and shall make his report expressing the reasons of his opinion, and transmit the same with the recorded information and notes of his inspection of such estate or portion thereof, to the Lieutenant-Governor.

Lieutenant-Governor may declare estate unfit for residence.

If the Lieutenant-Governor, after perusal and consideration of the said report, information and notes, shall be of opinion that such mortality was caused by the want of due care or precaution and of the adoption of proper and available sanitary measures on the part of the owner of such estate or the employer, and that such estate or portion thereof is unfit for the residence of laborers by reason of the want of due care or precaution, and of the adoption of proper and available sanitary measures on the part of the owner of such estate, or portion thereof, or the employer, it shall be lawful for the Lieutenant-Governor to declare in writing that such estate or portion thereof is unfit for the residence of laborers.

Contracts to be void as regards that estate.

Such declaration of the Lieutenant-Governor shall have the same effect as the finding of a committee under the last preceding section.

Penalty on employer permitting laborer to reside in locality declared to be unfit.

120. Every employer who shall cause or permit any laborer to reside upon any such estate or portion of an estate as under the provisions of either of the two preceding sections may have been found to be unfit for the residence of laborers, shall, on conviction by a Magistrate, be punished with fine. Provided always that in case it shall appear to the inspector that any such estate, or portion of an estate, or any part of such portion, has become fit for the residence of laborers, he shall, with the sanction of the Magistrate of the district, give under his hand a certificate of such fitness, and no employer shall be liable to fine by reason of his causing or permitting laborers to reside in any place respecting which such certificate of fitness shall have been given.

The Chief Commissioner of Assam is empowered to extend the above Chapter within his territories to laborers of any particular class, or to laborers imported from any particular place or district. If the Chapter is so extended, the words "Chief Commissioner of Assam" are to be substituted for the words "Lieutenant-Governor," whenever they occur in section 119. *See* Regulation No. IV of 1877, *Gazette of India*, 1877, p. 725, and *Assam Gazette*, 1877, p. 476.

CHAPTER 14.—*Offences committed by Laborers.*

Penalty on laborer for absenting himself without sufficient cause.

121. Any laborer who shall absent himself from his labor without sufficient cause may, on conviction by a Magistrate, be sentenced to lose all claims to wages or allowances during the period of such absence, and also to forfeit to his employer a sum not exceeding four annas for each day during which such absence shall be continued; and in case such absence shall have exceeded seven days, or in case such laborer shall have been already convicted of the same offence within a period of three months, such laborer shall be furthermore sentenced to rigorous imprisonment for fourteen days.

Deserting laborer may be apprehended without warrant.

122. If any laborer deserts from his employer's service, and no magistrate is resident within ten miles of the place where such laborer may be found, such employer or any other person acting in his behalf may, without first procuring a warrant, and without the assistance of any police officer (who, nevertheless, shall be bound to give such assistance if called upon to do so), apprehend such laborer. Provided, nevertheless, that if such laborer be found in the service of another employer he shall not be arrested without a warrant. Provided also that any person who shall apprehend a laborer under the provisions of this section, shall without delay give the said laborer in charge at the nearest police station, and there enter the charge upon which he shall have apprehended such laborer.

To be taken to nearest Magistrate.

Any laborer so given in charge shall be conveyed without delay to the nearest Magistrate; and if such Magistrate be authorized to deal with the case, he shall himself adjudicate upon the charge; but if not, he shall forward the said laborer under custody to the Magistrate, or bench of magistrates, authorized to deal with such case who shall thereupon adjudicate upon such charge.

Procedure upon complaint of desertion.

Upon complaint made to a Magistrate by an employer, or any person acting on his behalf, that a laborer has deserted from his employer's service, such Magistrate may issue a summons for the attendance of such laborer, or a warrant for his arrest, and appoint a day for the hearing of the complaint without previously examining the complainant.

Punishment.

Every laborer who deserts from his employer's service shall, on conviction, be punished with rigorous imprisonment which may extend to one month; and every laborer, who

after having been convicted of desertion, shall again desert from his employer's service, shall, on conviction as aforesaid, be punished with rigorous imprisonment for a period which may extend to two months; and every laborer who, after having been twice convicted of desertion, shall again desert, shall, on conviction as aforesaid, be punished with imprisonment, simple or rigorous, which may extend to three months.

Compensation for wrongful arrest.

If it appears to the Magistrate, or to the bench of magistrates adjudicating upon any such charge as is mentioned in this section that such laborer has been apprehended or arrested without sufficient cause, it shall be lawful for such Magistrate or bench of magistrates to impose a fine not exceeding fifty rupees on the employer at whose instance such laborer has been apprehended or arrested, or to award compensation not exceeding fifty rupees to such laborer, and such compensation shall be paid by the employer at whose instance such laborer has been apprehended or arrested.

Conviction not to operate as a release.

123. On the expiry of any sentence of imprisonment for any offence under this Act, save as is provided in section one hundred and twenty-four, it shall be the duty of the Magistrate to make over such laborer to any person appointed on the part of his employer to receive charge of him; and no conviction under this Act or imprisonment under such conviction shall, save as is provided in section one hundred and twenty-four, be held to operate as a release to any laborer from the terms of his contract. Provided, nevertheless, that the period of imprisonment shall in no case be prolonged by reason of there being no person present on the part of the employer to take charge of the laborer at the expiry of his sentence; but such laborer shall in that case be sent to the principal place of business of such employer, and the expense of such conveyance shall be levied from the employer in the manner provided in section ninety-six.

Cancellation of contract by desertion.

124. Whenever any laborer shall have actually suffered imprisonment amounting in the whole to six months for desertion from his employer's service, it shall be lawful for the inspector, and he is hereby required, to cancel the contract of such laborer, and every such cancellation shall be certified by the inspector on the back of the contract.

Portion of sentence may be cancelled on application of employer.

125. The employer, or any person authorized to act for the employer, of any laborer imprisoned for any offence under this Act, may apply to a Magistrate, at any time previous to the expiry of such sentence, that such laborer be made over to him for the purpose of completing his contract; and such

Magistrate may, if he see good cause, make over or forward such laborer to his employer; and in that case such Magistrate shall cancel the remainder of the sentence passed on him, and shall endorse on the contract of such laborer a memorandum signed by him of such cancellation.

Expense of restoring deserting laborer to be paid by employer.

126. Every employer who obtains an order for the return or forwarding of any laborer who has deserted, shall pay the expense incurred in such return or forwarding, and shall, before the order is issued, deposit with the Magistrate such sum as such Magistrate may in his discretion deem to be sufficient for defraying the expense of such return or forwarding.

Time of unlawful absence or of imprisonment to be excluded from contract period.

127. The duration of every unlawful absence from labor, of which any laborer may be convicted, and every sentence of imprisonment for any offence under this Act, shall be endorsed on the contract at the time of its being passed, by the officer passing it; and no such period of imprisonment or unlawful absence so endorsed shall be reckoned as part of the term for which the laborer is bound to serve, but such term shall extend to such further period as shall be equivalent to the aggregate amount of the imprisonment and unlawful absence so endorsed.

Penalty for enticing away, harbouring, or employing laborer under contract.

128. Any person who knowingly and wilfully entices away, harbours, or employs, or attempts to entice from his employment, any laborer, before such laborer shall have been lawfully released from his contract, shall, on conviction by a Magistrate, be punished with fine, the whole or any portion of which may be awarded to the employer of such laborer.

CHAPTER 15.—*Complaints made by Laborers.*

Employer to give notice to inspector if laborer wishes to complain of personal ill-usage or breach of contract.

129. If any laborer states to his employer, or to any person acting for such employer, that he desires to make a complaint to the inspector of laborers of personal ill-usage or breach of any provision of this Act on the part of such employer or other person, the person to whom such statement is made, shall, within forty-eight hours, send notice thereof in writing to the inspector, and in default of so doing, such person shall, on conviction by a Magistrate, be punished with fine.

Proceedings of inspector.

130. Whenever any inspector of laborers receives such notice in writing as aforesaid,

or whenever any complaint of personal ill-usage or breach of any provision of this Act as aforesaid is made to him by any laborer against his employer, or any person acting for such employer,

or whenever the inspector has other reasonable grounds for believing that any such personal ill-usage or breach of any provision of this Act as aforesaid has been suffered by a laborer,

such inspector shall forthwith, if the place in which such offence has been committed is not situated within the limits of his own authority, give notice thereof in writing to the inspector within the limits of whose authority such place is situated;

and if such place be situated within the limits of his own authority, then such inspector shall, so soon as conveniently may be, proceed to some place not more than ten miles from the principal place of business of such employer, and make full inquiry into the matter complained of.

Summons of laborer and witnesses.

131. For the purposes of such inquiry the inspector may summon such laborer and any witnesses. If any employer, or other person acting for or under such employer, in any way wilfully obstructs the service of, or obedience to, such summons, or if the laborer or any witness summoned intentionally omits to attend as required in such summons, he shall, on conviction by a Magistrate, be punished with fine.

Procedure if complaint is untrue or frivolous.

132. If, upon such inquiry made on the complaint of a laborer, the inspector is of opinion that the complaint is untrue or frivolous, he shall enter in his book the particulars of such complaint, and a short statement of the grounds of his opinion respecting it, and shall dismiss the complaint, and in such case shall endorse on the employer's copy of the contract of such complainant the number of the days during which such complainant has been absent from work in consequence of such inquiry, and such number of days shall be added to the period of the contract of such complainant.

If complaint is well founded.

133. If, upon inquiry as aforesaid, the inspector is of opinion that the complaint is well-founded, he shall, if himself a Magistrate, dispose of the case according to due course of law. If the inspector shall not be a Magistrate, he shall, without delay, send the complainant and his witnesses to the nearest Magistrate, and such Magistrate shall thereupon dispose of the case according to due course of law.

Recovery of arrears of wages and compensation.

134. If, upon the complaint of any laborer, it is proved to the satisfaction of a Magistrate that the wages of such laborer are in arrear for two months, it shall be lawful for the Magistrate to award to such laborer the amount which shall appear to be then due to him; and also, by way of compensation, such further sum, not exceeding that amount, as shall appear to such Magistrate to be just; and in

case of default, the Magistrate shall levy the entire sum by distress and sale of any moveable property which may be found in the possession or under the charge of such employer.

Cases in which contract may be cancelled.

135. If any employer, or any person placed in authority over any laborer by such employer, shall be convicted of any offence causing injury to the person or property of such laborer triable under the Code of Criminal Procedure by the court of session;

or if any such employer, or other person as aforesaid, shall be twice convicted of any such offence against such laborer triable under the said Code by a Magistrate;

or if it shall be proved before a Magistrate that the wages of such laborer are in arrear to an amount exceeding the total of such laborer's wages for four months;

or if a Magistrate shall, on the report of the inspector and after due inquiry upon oath, in the presence of the parties, be satisfied that any laborer has been compelled to perform any labor while he was unfit for it, or has been subjected to ill-usage by such employer, or any other person placed in authority over the laborer by such employer;

it shall be lawful for the Magistrate, if he think fit, on the application of the laborer, in each of such cases, to cancel the contract of such laborer, and award to him compensation not exceeding thirty rupees, and every such cancelment shall be certified by the Magistrate on the back of such contract.

CHAPTER 16.—*Determination of Contract.*

Laborer may appear before the inspector to register completion of contract.

136. Every laborer who has completed the term of his contract shall be forthwith entitled to appear before the inspector or assistant inspector, in order that the completion of his contract may be registered.

Penalty if employer detains, or omits to report.

If an employer detains such laborer after the completion of his contract, or fails to give notice of such completion to the inspector within one month after the date of such completion, such employer shall, on conviction by a Magistrate, be punished with fine.

Power to redeem contract.

137. If any laborer is able and desirous to redeem the unexpired term of his contract of service by payment of a sum equivalent to the value thereof, such laborer may demand to be taken or allowed to go before the inspector of laborers within the local limits of whose authority he may be employed, and on his depositing such sum in the hands of such inspector, such inspector shall give notice to the

employer that such laborer requires him within one week to show cause why the contract of such laborer should not be released; and in case no sufficient cause should be shown, such inspector shall require the production of the contract of such laborer, and endorse thereon a certificate of release by purchase, and shall hold the sum in deposit on account of the employer of such laborer. If any employer, or other person authorised to act for the employer, shall neglect to comply with such demand as aforesaid, such employer, or other person as aforesaid, shall, on conviction by a Magistrate, be punished with fine.

Value of unexpired term of contract.

The value of the unexpired term of contract shall be deemed to be the aggregate amount of one rupee for every month of the unexpired portion of the first year, of three rupees for every such month of the second year, and of five rupees for every such month of the third year, of the original term of the laborer's engagement.

Certificate to be given of determination of contract.

138. Every laborer, the period of whose contract has expired, or whose contract has been rescinded by the mutual consent of the parties thereto, or whose contract has been cancelled or redeemed under the provisions of this Act, shall be entitled to receive forthwith from the inspector a certificate of release in the form set forth in Schedule F annexed to this Act.

SCHEDULE A.

(*See section* 15.)

FORM OF CONTRACT BETWEEN EMIGRANT AND EMPLOYER.

"THIS contract made under Bengal Act VII of 1873, between (*emigrant's name*) of the one part and (*employer's name*) of the other part. Whereas the said (*employer's name*) has promised the said (*emigrant's name*), (hereinafter called 'the emigrant') that, if he the said emigrant do proceed to the district (*name of*) in (*name of labor district*) and do remain and labor therein on the estate of the said (*employer's name*), his successors, representatives and assigns (hereinafter called 'the employer'), he, the said employer, will, from the date of the arrival of the said emigrant on such estate, pay or cause to be paid to the said emigrant Rs. as wages for such labor monthly, for years from the date of the arrival of the said emigrant on such estate, and that during such period he, the said employer, will supply or cause to be supplied to the said emigrant rice according to the rules prescribed by the Lieutenant-Governor of Bengal under the said Act at a price not exceeding

"Now this contract witnesseth that the said emigrant doth hereby, in consideration of the aforesaid promise by the said employer, and of the agree-

ment by him hereinafter contained, agree with the said employer that he, the said emigrant, will, so soon after the execution of these presents as he shall be required so to do, proceed to the said district (*name of*) in (*name of labor district*), and will there remain and labor on the estate of the said employer for a period of years from the date of his, the said emigrant's, arrival on such estate. And this contract further witnesseth that the said employer doth hereby, in consideration of the said agreement by the said emigrant, agree with the said emigrant, that he the said employer will, with all convenient despatch, after the execution of these presents, convey, or cause to be conveyed, the said emigrant free of all costs unto the estate of the said employer, in the district aforesaid, and will, from the date of his the said emigrant's arrival on such estate, employ the said emigrant as a laborer for the period aforesaid, and will pay or cause to be paid to the said emigrant Rs. as wages for such labor monthly, and will supply or cause to be supplied to the said emigrant rice according to the rules prescribed by the Lieutenant-Governor of Bengal under the said Act at a price not exceeding In witness whereof the said parties to these presents have hereunto set their hands the day of 187 "

Form of Description of Emigrants.

Name of laborer.	Father's name.	Age.	Sex.	Caste.	Residence.			Period of service.
					Zillah.	Pergunnah.	Mouzah.	

Note.—If the contract is one under sections 24 or 25, it must be signed by the garden-sirdar on behalf of the employer; if under section 57, by the employer with whom the emigrant intends to contract, or his agent. It must, if under section 24, be executed before the Magistrate; if under sections 25 or 57, before the superintendent of emigration. The execution of the contract must be attested by the superintendent of emigration or by the

Magistrate, who must also append to the foot thereof a certificate to the following effect:—

"I hereby certify that before the within-mentioned (*emigrant's name*) signed this contract, I personally explained it to him.

Sd. ———————

Superintendent of Emigration, or Magistrate."

SCHEDULE B.

(*See section* 16.)

FORM OF GARDEN-SIRDAR'S CERTIFICATE.

"*Garden-Sirdar's Certificate, required under section* 16 *of Bengal Act VII of* 1873.

Name of Garden-Sirdar.	Father's name.	Caste.	Age.	HEIGHT.		General appearance and characteristic marks.	Name of place and description of lands on which labor is to be performed.	District (or Calcutta) where natives are to be engaged.	Number of natives the bearer is authorized to engage.	*Name of contractor to whose depôt natives should be conveyed.	REMARKS.
				Feet.	In.						

* *N. B.*—If the number of natives engaged exceed twenty, they will have to go to a contractors's depôt.

Countersigned (under section 19) on the 187 | (Sd.)

six months from which date this certificate ceases to be in force. | *Employer.*"

Magistrate of | *Dated* 187

SCHEDULE C.

(*See sections* 14 *and* 33.)

FORM OF CONTRACTOR'S LICENSE.

"A. B. is hereby licensed to act, throughout the provinces under the control of the Lieutenant-Governor of Bengal, as a contractor for engaging

and supplying natives for the purpose of laboring for hire in the districts of Assam, Cachar, Sylhet, Chittagong, and the Chittagong Hill Tracts under the provisions of the Labor Districts Emigration Act VII (B.C.) of 1873.

This license will be in force for one year only, from this date.

Dated Calcutta, the day of

(Sd). M. N.,

Superintendent of Emigration."

SCHEDULE D.

(*See sections* 14 *and* 38.)

FORM OF RECRUITER'S LICENSE.

"C. D. is hereby licensed to act on behalf of A. B., a licensed contractor, as a recruiter for engaging or inducing natives to proceed to the districts of Assam, Cachar, Sylhet, Chittagong, and the Chittagong Hill Tracts, for the purpose of laboring therein for hire, under the provisions of the Labor Districts Emigration Act VII (B.C.) of 1873.

This license will be in force for one year only, from this date.

Dated Calcutta, the day of

(Sd.) M. N.,

Superintendent of Emigration."

SCHEDULE E.

(*See sections* 61 *and* 67.)

FORM OF EMIGRANT'S PASS.

Name of emigrant.	Age.	Father's name.	Name of employer.	Place in which emigrant has contracted to labor.	Place of disembarkation.

"The emigrants above described are permitted to embark on the , which will leave on the , for the purpose of proceeding to the district of

Dated the day of

(Sd.) R.M.,

Contractor [*or Garden-Sirdar*] (*if any.*)

Dated the day of

(Sd.) G. D.,

Superintendent of Emigration (*if required.*)

Dated the day of

(Sd.) A. L.,

Embarkation Agent."

Note.—The names of any number of emigrants proceeding in the same vessel may be entered in one pass.

SCHEDULE F.

(*See section* 138.)

FORM OF CERTIFICATE OF RELEASE ON DETERMINATION OF CONTRACT.

"I hereby certify that the contract entered into on the day of 18 , under Bengal Act VII of 1873, between [*laborer's name*] of the one part, and [*employer's name*] of the other part, has been determined by effluxion of time (or 'by mutual consent,' or 'under the provisions of section of the said Act,' as the case may be).

In witness whereof I have hereunto set my hand day of 187

Inspector of Laborers."

Form of Description of Emigrant.

Name of laborer.	Father's name.	Age.	Sex.	Caste.	RESIDENCE.			Period of service.
					Zillah.	Pergunnah	Mouzah.	

ACT No. I OF 1874.

(*Received the assent of the Lieutenant-Governor on the 6th December* 1873, *and of the Governor-General on the 3rd January* 1874.)

An Act to amend Act XXI of 1856 *of the Council of the Governor-General, and Act II of* 1866 *of the Council of the Lieutenant-Governor of Bengal.*

WHEREAS by section 90 of Act XXI of 1856 of the Governor-General in Council (an Act to consolidate and amend the law relating to the Abkaree revenue in the Presidency of Fort William in Bengal), the word "Magistrate" as used in that Act is defined to include a Joint-Magistrate or other person lawfully exercising the powers of a Magistrate, and any Assistant or Deputy Magistrate with special powers stationed at a place other than the sudder station of the Magistrate, and empowered to try cases without reference from the Magistrate; and whereas the cases made punishable under Act II of 1866 of the Lieutenant-Governor of Bengal in Council (an Act to provide for the better regulation of the Police within the suburbs of Calcutta) can, under section 49 of that Act, be tried by a Magistrate of less than full powers, only when they are referred to him by the District Magistrate; and whereas further by Act X of 1872 (the Code of Criminal Procedure) new rules have been enacted assigning and regulating the powers of Magistrates of the first, second, and third classes; It is hereby enacted as follows :—

1. Section 90 of Act XXI of 1856 of the Governor-General in Council, so far as it defines the meaning of the word "Magistrate," and section 49 of Act II of 1866 of the Lieutenant-Governor of Bengal in Council, are hereby repealed.

Repeal of section 90 of Act XXI of 1856 and section 49 of Bengal Act II of 1866.

2. The offences punishable under either of the said Acts XXI of 1856 or II of 1866 shall be enquired into and tried under the provisions of section 8 of Act X of 1872 (the Code of Criminal Procedure).

Offences to be enquired into and tried under Criminal Procedure Code.

This Act is repealed, so far as it relates to Act XXI of 1856, by the Bengal Excise Act, 1878.

ACT No. I. OF 1875.

(Received the assent of the Lieutenant-Governor on the 1st February 1875, and of the Governor-General on the 17th idem.)

An Act for the Realization of Arrears in Government Estates.

WHEREAS it is expedient to amend Bengal Act No. VII of 1868 *(to make further provision for the recovery of Arrears of Land Revenue and Public Demands recoverable as Arrears of Land Revenue)*, and to provide for the summary realization of arrears of revenue or rent due from ryots and other persons holding non-transferable interests in land in estates managed by the Government; It is enacted as follows :—

1. To section 1 of the said Act, the following clauses shall be added (namely)—

Addition to section 1 of Bengal Act VII of 1868.

"Any arrears of revenue or rent payable to the Government from any ryot, or from any person holding any interest in land, pasturage, forest rights, fisheries, and the like, which, by the terms of the contract creating the same, or by the custom of the country, is not transferable."

"Any arrears of rent payable to a Collector in charge of an estate or tenure on behalf of a private person from any ryot, or from any person holding any interest in land, pasturage, forest rights, fisheries, and the like, direct from such Collector."

ACT No. II. OF 1875.

(Received the assent of the Lieutenant-Governor on the 10th March 1875, and of the Governor-General on the 15th idem.)

An Act to amend the Jute Warehouse and Fire-brigade Act, 1872.

WHEREAS it is expedient to amend the Jute Warehouse and Fire-brigade Act, 1872 : It is enacted as follows :—

Preamble.

Repeal of sections of Bengal Act II of 1872.

1. Sections nine, ten and fourteen of the Jute Warehouse and Fire-brigade Act, 1872, are hereby repealed.

Definition of the Commissioners.

* "The Commissioners" in this Act means the Corporation of the town of Calcutta.

Amendment of section 7 of Bengal Act II of 1872.

2. For section 7 of the Jute Warehouse and Fire-brigade Act, 1872, the following shall be substituted (namely) :—

[*See above, p.* 360.]

Certain provisions of last section may be applicable to old licenses.

3. The †Commissioners shall at the option of the holder of any license heretofore granted for any jute warehouse, exclude from the conditions of such license so much of clause 1 of section seven of the Jute Warehouse and Fire-brigade Act, 1872, as relates to combing and drying, and also clause 3 of the same section, and in lieu thereof insert clauses 2 and 4 of the same section as amended by the last preceding section of this Act.

The Commissioners may from time to time, at a special meeting, alter the amount of fee, in accordance with the rates heretofore specified to be paid, in respect of any jute warehouse for which a license has been heretofore granted.

On change of occupation warehouse, occupier to give notice.

4. On a change in the occupation of any jute warehouse, the person entering into occupation of the same shall, within two weeks of his so entering into occupation, give notice in writing to the Commissioners of such change of occupation, and shall thereupon pay to the Commissioners a fee of two rupees; and his name shall accordingly be entered in such license as the occupier in the place of the name of the person going out of occupation.

If any jute warehouse is let out in portions, the person so letting it out and entitled to the rent shall, for the purposes of this Act, be deemed to be the occupier.

Cancelment or suspension of license.

5. It shall be in the discretion of the Commissioners at a special meeting to cancel or to suspend for such time as they shall think fit the license of any jute warehouse in respect of which any one or more of the conditions under which such license is held shall appear to them to have been broken, or in respect of which the provisions of the last preceding section have been broken.

---

* Bengal Act I of 1877, section 3.

† Bengal Act I of 1877, section 1.

Municipal Commissioners to have same power as the Commissioners.

6. In regard to any jute warehouse situated or used, or any land proposed to be used as a jute warehouse out of the town of Calcutta and within the limits of the operation of the Jute Warehouse and Fire-brigade Act, 1872, and of this Act, the powers and duties conferred and imposed by Part II of the Jute Warehouse and Fire-brigade Act, 1872, and the powers and duties conferred by this Act on the Commissioners, or on the Commissioners at a special meeting, shall be exercised and discharged by the Municipal Commissioners at a meeting within whose jurisdiction such warehouse or land is situated.

Annual fee.

The annual fee in respect of any license granted by the said Municipal Commissioners for a jute warehouse may be at the rate of one hundred rupees, or at such other rates not exceeding one thousand rupees or less than one hundred rupees, as the said Municipal Commissioners may direct.

Alteration of fee.

The said Municipal Commissioners may from time to time, at a meeting, alter the amount of the fee to be paid in respect of any jute warehouse, for which a license has been heretofore, or for which a license may hereafter, be granted.

Addition to section 25 of Bengal Act II of 1872.

7. To section 25 of the Jute Warehouse and Fire-brigade Act, 1872, the following words shall be added (namely):—

"and shall be applied by the Commissioners for the benefit of the town of Calcutta and the suburbs thereof in such manner as the Lieutenant-Governor of Bengal may direct;

"and in the case of the Municipality of Howrah, the balance of such monies after payment of the said expenses shall be paid to the credit of the Municipal Commissioners of Howrah, and shall be applied by them for the purposes of a Fire-brigade, or for such other purposes for the benefit of the Municipality of Howrah as the Lieutenant-Governor of Bengal may direct."

Penalty for breach of conditions of license.

8. Whenever any of the conditions under which a license is held in respect of any jute warehouse have been broken in such jute warehouse, the person whose name appears on the license as the occupier of such jute warehouse shall be liable, on conviction before a Magistrate, to a penalty not exceeding one hundred rupees in respect of any one condition so broken.

Penalty on any person in case of breach of conditions of license.

9. Whoever breaks any of the conditions under which a license is held in respect of any jute warehouse shall be liable, on conviction before a Magistrate, to a penalty not exceeding fifty rupees for any one such offence, and in default thereof, to imprisonment not exceeding one month.

Penalty for omitting to give notice on change of occupation.

10. If on a change in the occupation of any jute warehouse, the person entering into occupation shall fail to give the notice required by section four of this Act, such person shall be liable, on conviction before a Magistrate, to a penalty not exceeding one hundred rupees.

Provisions applicable to all warehouses.

11. Sections four, five, six, eight, nine, and ten of this Act shall apply to every jute warehouse in respect of which a license has been granted under the Jute Warehouse and Fire-brigade Act, 1872, or may be granted under this Act, or both of them.

Except as in this Act expressly provided, nothing in this Act contained shall affect anything done under the Jute Warehouse and Fire-brigade Act, 1872.

Form of license.

12. Every license granted under the Jute Warehouse and Fire-brigade Act, 1872, and this Act, shall, as far as possible, be in the form in the Schedule to this Act annexed.

Saving of places of manufacture or retail trade

13. Nothing in the Jute Warehouse and Fire-brigade Act, 1872, or in this Act, shall be deemed to apply to places wherein small quantities of jute, not exceeding four maunds at any one time, are deposited for the purpose of any manufacture or retail trade.

Construction of Act.

14. This Act shall be construed as one with the Jute Warehouse and Fire-brigade Act, 1872.

SCHEDULE.

(*See sections* 2 *and* 12.)

LICENSE UNDER BENGAL ACTS II OF 1872 AND II OF 1875.

No. *of* 187

The * Commissioners for the Town of Calcutta hereby grant unto this license under Bengal Acts II of 1872 and II of 1875 to store and press jute in premises No. Calcutta, subject to the conditions noted on the back; and they hereby acknowledge to have received the sum of Rupees being the license fee due by the said from to 187 in respect of the aforesaid premises at the rate of Rupees per annum

Name of owner _____

Name of occupier _____

_____

_____

Secy. to the Commissioners for the Town of Calcutta.

The *day of* _____

* Bengal Act I of 1877, section 2.

ACT No. III OF 1875.

(*Received the assent of the Lieutenant-Governor on the* 10*th March* 1875, *and of the Governor-General on the* 24*th April* 1875.)

An Act to amend Bengal Act No. VI of 1864.

Preamble.

WHEREAS it is expedient to amend Bengal Act No. VI of 1864 (*to provide for the periodical inspection of Steam-Boilers and Prime-movers attached thereto in the Town and Suburbs of Calcutta*); It is enacted as follows:—

Power to revoke certificate already granted.

1. The Lieutenant-Governor of Bengal, or any person authorized by him in that behalf, may revoke or suspend any certificate already granted, or to be granted under the said Act, on the ground that the boiler or prime-mover in respect of which it has been granted is not in charge of a person competent to have charge of the same.

When new certificate may be granted.

If the owner of such boiler or prime-mover, or the person so in charge as aforesaid, be dissatisfied with such revocation or suspension, he may apply to some person (not being the person who revoked or suspended the certificate) by general or special order duly authorized by the Lieutenant-Governor of Bengal in that behalf, who may, if he is so satisfied, grant a writing under his signature to the effect that the person so in charge as aforesaid is a person competent to have charge of a boiler or prime-mover; and the Lieutenant-Governor of Bengal, or the person who has revoked or suspended the certificate, shall accordingly grant a new certificate, as far as possible, in the form in the schedule to the said Act annexed, or shall allow the former certificate to continue in force.

No additional fee shall be paid for a new certificate granted under this section.

Construction.

2. This Act shall be construed as one with the said Bengal Act No. VI of 1864.

ACT No. IV of 1875.

(Received the assent of the Lieutenant-Governor on the 20th February 1875, and of the Governor-General on the 25th June 1875.)

An Act to provide for the summary realization of sums due on account of loans made by the Government during the late Famine operations.

Preamble.

WHEREAS it is expedient to provide for the summary realization of sums due on account of loans of money and grain made by the Government to zemindars and ryots during the years one thousand eight hundred and seventy-three and one thousand eight hundred and seventy-four; It is enacted as follows:—

Sums payable to Government in respect of loans.

1. Any sum payable to the Government by any person or collection of persons in respect of any loan of money or grain made to him or them, or to any other person on his or their security, by the Government, shall be deemed to be a demand within the meaning of Bengal Act No. VII of 1868 (*to make further provision for the recovery of Arrears of Land Revenue and Public Demands recoverable as Arrears of Land Revenue*); and an arrear of such demand shall, as far as possible, be recoverable in the manner provided in the said Act for the realization of arrears of demand;

and all provisions in the said Act relating to the realization of arrears of demand shall, as far as possible, be applicable to all proceedings under this section, as if such provisions were here repeated and re-enacted with reference thereto.

Mode of recovery by landholders, &c., of money for which they have become security.

2. When any landholder, or any collection of villagers, has become security for the payment of money payable in respect of any such loan, as is mentioned in the last preceding section, and such landholder, or collection of villagers, or any villager being one of such collection, has in consequence made to the Government payment of any sum of money due from any person liable to repay such loan, such landholder, or collection of villagers, or villager, may give to the Collector of the District in which such person resides a notice in writing in the form in Schedule B annexed to the said Bengal Act No. VII of 1868, showing the amount due to him or them in respect of such payment; and if the Collector have reason to believe that any sum is due to such landholder, or collection of villagers, or villager, in respect of such payment, he may make under his hand a certificate of the sum due in a form similar to that in Schedule A to the said Act annexed, and shall cause the same to be filed in his office, and every

certificate so made shall be deemed to be a certificate made in pursuance of section nineteen of the said Act;

and in respect of the sum so certified to be due, such landholder, or collection of villagers, or villager, shall, as assignee or assignees of the Government, be deemed to be the plaintiff or plaintiffs in the place of the Government within the meaning of section 20 of the said Act:

and all provisions in the said Act relating to the realization of arrears of demand shall, as far as possible, be applicable to all proceedings under this section, as if such provisions were here repeated and re-enacted with reference thereto.

Application of Act.

3. This Act shall apply only to loans of money or grain made during the twelve months preceding the first day of November one thousand eight hundred and seventy-four.

Construction.

4. This Act shall be read with, and taken as part of, the said Bengal Act No. VII of 1868.

THE BENGAL SURVEY ACT, 1875.

CONTENTS.

PREAMBLE.

PART I.

PRELIMINARY.

SECTION.

1.—Commencement.

2.—Interpretation clause.

PART II.

SURVEY.

3.—Lieutenant-Governor may order survey.
Exception.

4.—Lieutenant-Governor may appoint Superintendent of Survey.

5.—Collector to publish a proclamation before entering on lands.
Mode of publication.

6.—After issue of proclamation Collector may enter upon lands.

7.—Collector may serve special notice.

8.—Collector to pay the price of materials or labor supplied.

9.—Collector may require occupants to clear boundary lines.

10.—Compensation.

11.—Ameen or survey officer to call upon persons to sign maps or papers.
Statement of objections.
Effect of signature.

12.—On receipt of maps, Collector to post notification in his office.
Collector when to issue special notice.
If agent deposits expenses of making copies, Collector shall order them to be prepared.
Procedure when objection is stated.
13.—Person making subsequent objection may be required to deposit costs of further inquiry.
On such deposit Collector may make further inquiry.

PART III.

Boundary Marks.

14.—Collector may erect temporary boundary marks.
15.—Collector may erect permanent boundary marks.
Specification of marks and estimate of their cost to be posted in Collector's office.
16.—Apportionment of expenses.
17.—Lands not subject to rent to be deemed to be part of a tenure.
18.—Procedure when occupant fails to maintain boundary mark.
19.—Zemindar, &c., bound to preserve boundary marks and give notice to Collector when they are injured.
20.—Collector may re-erect injured boundary mark and recover expenses from zemindar, &c.
21.—Collector may cause boundary mark to be erected by occupant of land with his consent.

PART IV.

Apportionment and Recovery of Expenses.

22.—Collector to prepare statement of all expenses incurred in respect of boundary marks.
23.—Contents of the statement.
24.—Collector to apportion the cost of erecting marks among the estates.
25.—Contents of notice to be served on zemindar.
26.—Collector to make final apportionment.
27.—Collector may postpone final apportionment.
28.—Zemindar failing to appear will be deemed to have waived all objections.
29.—Collector to issue a notice specifying amount finally apportioned.
Notice shall assign boundary marks which zemindars are bound to preserve.
30.—Collector to apportion between zemindar and tenure-holders.
No separate notice in respect of apportionment of sum less than two rupees.
31.—Summary apportionment between zemindar and tenure-holders.
32.—Contents of notice to be served on zemindar when provisional apportionment has been made summarily.

33.—Procedure on provisional apportionment.
34.—Mode of apportionment among tenures.
35.—Notice of apportionment in respect of tenures.
No separate notice to be served on tenure-holder who is required to pay less than two rupees.
36.—Collector not to issue notices to tenure-holders until zemindars have deposited costs.
37.—Apportionment between tenure-holder and holder of subordinate tenure.
38.—Recovery of sums payable to zemindar or tenure-holder.
39.—Recovery of sums expended by Government since 1st November 1874.

PART V.

Boundary Disputes.

40.—Procedure in case of dispute as to any boundary.
41.—Powers of Collector when boundary not determined by competent authority.
42.—Power of Collector to take possession of land in dispute.
43.—Power to refer to arbitration.
44.—Powers of Collector when boundary determined by Court or by Revenue Survey.
Collector may deviate from boundary if parties agree.
45.—Powers of Collector when doubt or dispute exists as to any boundary.
46.—In certain cases Collector may cause marks to be erected.

PART VI.

Miscellaneous.

47.—Joint zemindars to be subject to every liability imposed on single zemindars.
48.—Service of notice.
49.—No proceedings under this Act to be affected by any mistake or misdescription.
50.—Power of Collector to enforce attendance of witnesses.
51.—Daily fine for failure to comply with requisition in notice.
52.—Penalty for failing to give notice of injury to boundary mark.
53.—Penalty for removing boundary marks.
54.—Collector may award portion of fine to informer.
55.—Levy of fine.
56.—When person removing boundary mark cannot be found, Collector may repair.
57.—Every amount due deemed to be a demand under Bengal Act VII of 1868.
58.—No appeal to lie against any order passed under this Act.
Government may restrict functions of Commissioner.

59.—Appeal to lie to the Collector or Superintendent of Survey against orders of Assistant Superintendent or Deputy Collector.
60.—Appeal to Commissioner against order of Collector or Superintendent of Survey.
61.—Orders as to costs on appeal.
62.—No suit to be brought unless appeal first preferred.
63.—Board of Revenue may lay down rules with sanction of Lieutenant-Governor.

ACT No V. OF 1875.

(*Received the assent of the Lieutenant-Governor on the 25th August* 1875, *and of the Governor-General on the 23rd September* 1875.)

An Act to provide for the Survey and Demarcation of Land.

Preamble.

WHEREAS it is expedient, with a view to the definition and identification of lands, the better security of landed property, and the prevention of encroachments and disputes, to provide for the survey of lands and for the establishment and maintenance of marks to distinguish boundaries; It is hereby enacted as follows :—

PART I.

PRELIMINARY.

Commencement.

1. This Act may be called "The Bengal Survey Act, 1875," and shall come into force from the date on which it may be published with the assent of the Governor-General.

The Act came into force on the 6th October 1875.—*Calcutta Gazette*, 1875, Part III, p. 31.

Local extent.

It extends to the territories for the time being subject to the Lieutenant-Governor of Bengal.

Interpretation clause.

2. In this Act—unless there be something repugnant in the subject or context—

"Collector."

"Collector" means every Collector of a district, and includes every officer either generally or specially vested with the powers of a Collector for the purposes of this Act.

"Deputy Collector."

"Deputy Collector" includes any Deputy Collector to whom the Collector or Superintendent of Survey may delegate any of his functions under this Act.

"Estate."

"Estate" means—

any land which is entered on the revenue-roll as separately assessed with the public revenue;

any land acquired from the Government under one title, which is liable to pay land revenue at any future time;

any chur or island thrown up in a navigable river or in the sea which, under the laws in force, is at the disposal of the Government;

any land which is entered on the Collector's registers as a separate holding, free in perpetuity from liability to pay land revenue.

Any land gained by alluvion or by dereliction of a river or of the sea to any estate as here defined, which, under the laws in force, is considered an increment to the tenure to which such land has accreted, shall be deemed a part of such estate.

"Mouzah" includes every village, hamlet, tolah, and similar sub-division of an estate, pergunnah, or village by whatever name such sub-division may be known.

"Mouzah."

"Occupant" includes every zemindar, tenure-holder, farmer, and other person entitled to receive rents in respect of land, or holding land on a claim that he is so entitled, and every ryot in occupation of land.

"Occupant."

"Section" means a section of this Act.

"Section."

"Survey" includes identification of boundaries, and all other operations antecedent to and connected with survey.

"Survey."

"Tenure" includes all permanent interests in land, with the exception of estates as above defined, and with the exception of those of ryots having a right of occupancy only; it also includes all ghatwalee holdings.

"Tenure."

"Tenure-holder" means all or any of the holders of a tenure.

"Tenure-holder."

"Zemindar" means all or any of the holders of an estate.

"Zemindar."

PART II.

SURVEY.

3. The Lieutenant-Governor may, whenever he shall think fit, order that a survey shall be made of the lands situated in any district, or in any part of a district, or in any specified tract of country, and that the boundaries of estates, tenures, mouzahs, or fields be demarcated on the lands so to be surveyed.

Lieutenant-Governor may order survey.

Exception.

Provided that in any district of which a survey may have been completed and approved by the Government, it shall not be lawful for the Lieutenant-Governor to order a new survey of lands on the banks of rivers or on the sea-shore to be made for the purposes described in Act IX of 1847 *an Act regarding the assessment of land gained from the sea or from rivers by alluvion or dereliction within the provinces of Bengal, Behar, and Orissa*), until ten years shall have expired from the completion and approval of any such previous survey.

Lieutenant-Governor may appoint Superintendent of Survey.

4. For the purpose of carrying out any survey directed to be made under the last preceding section, or for any or all the purposes of this Act, the Lieutenant-Governor may appoint a Superintendent of Survey, who may exercise all or any of the powers of a Collector under this Act;

and may appoint one or more Assistant Superintendents and Deputy Collectors, who shall exercise all the powers of a Collector in respect to such matters under this Act as may be delegated to such Assistant Superintendent or Deputy Collectors respectively by the Collector or Superintendent of Survey and not otherwise:

Provided that, notwithstanding the appointment of a Superintendent of Survey for any tract of country, it shall be competent to the Board of Revenue to direct that the Collector shall perform any duties under the Act within the said tract.

Collector to publish a proclamation before entering on lands.

5. Before entering on any lands for the purpose of a survey, the Collector shall cause to be published a proclamation addressed to the occupants of the lands which are about to be surveyed, and of the conterminous lands, and to all persons employed on, or connected with the management of, or otherwise interested in such lands, calling upon them to attend, either personally or by agent, before the Collector or any officer authorized by the Collector in that behalf, at such places and at such times as shall be stated in such proclamation, during the demarcation and survey of the land, for the purpose of pointing out the boundaries and of rendering such aid as may be necessary in setting up or repairing such boundary marks as may be required, and of affording such assistance and information as may be needed for the purposes of this Act.

Mode of publication.

Such proclamation shall be published by posting a copy thereof

at the Court of the Judge and at the office of the Collector of every district within which any portion of the lands about to be surveyed may be known to be situated;

at every sub-divisional office, police station, moonsiff's court, and sub-registrar's office within the jurisdiction of which any portion of the land about to be surveyed may be known to be situated;

at one or more mâl cutcherries on each estate;

and at such other place or places as to the Collector may seem fit.

After issue of proclamation Collector may enter upon lands.

6. After issue of a proclamation as aforesaid, the Collector and any persons acting under his authority, may enter upon such lands, and do all things and make all enquiries necessary for effecting the survey and demarcation of the boundaries thereof.

Collector may serve special notice.

7. The Collector may also, by a special notice, require any such person to attend before him, or before any person authorized by the Collector in that behalf, within a specified time, which shall not be less than fifteen days after the service of the notice, at any places, for any of the purposes aforesaid; and every person on whom such special notice may be served shall be legally bound to attend as required by the notice, and to do any of the things mentioned in section five, and to give any information which may be required, so far as he may be able to give it.

Collector to pay the price of materials or labor supplied.

8. When any materials or labor shall have been supplied for any of the purposes mentioned in section five, the Collector or other officer making a requisition under that section, shall forthwith cause the price of such materials or labor to be paid to the person by whom the same were supplied.

Collector may require occupants to clear boundary lines.

9. The Collector, or other survey officer authorized by the Collector in that behalf, may, by a special notice, require any occupant to clear any boundary or other line which it may be necessary to clear for the purposes of the survey, by cutting down and removing any trees, jungle, fences, or standing crops.

Compensation.

10. If any demand for compensation be made in respect of the clearance of any line in accordance with a requisition under the last preceding section, the Collector shall ascertain and record the nature and estimated value of any trees, jungle, fences, or standing crops, which may have been cut down or removed, and shall offer adequate compensation to the owners thereof, together with payment for any expenses incurred in carrying out the said requisition.

Ameen or survey officer to call upon persons to sign maps or papers.

11. When the demarcation of a village, or other convenient tract has been completed, the ameen or other survey officer shall, before sending in to the Collector the maps and papers relating thereto, by a general notice in which the

names of all persons required to appear shall be specified, and which shall be posted up at a convenient place in the village or tract, call upon all persons who have pointed out any boundaries in such village or tract on behalf of those interested to attend before him, within three days of the publication of the said notice for the purpose of inspecting the maps, field-books, and similar papers in which any boundary pointed out by any such person has been represented, and by signing such maps and papers to certify that the boundaries have been laid down in accordance with the boundaries pointed out by them; and every person so called upon shall be legally bound to attend before such ameen or survey officer, and to inspect the papers in accordance with such requisition.

Statement of objections.

Any person so called upon who may object to sign the maps and papers as aforesaid, shall be required to state his objections in writing, and such statement shall be attached to the record of the demarcation of the village or tract, and shall be submitted to the Collector together with the maps and papers.

Effect of signature.

The signature affixed to any maps or papers under this section shall be in attestation of the fact that the boundaries thereon represented, or any of them, have been represented in accordance with those pointed out by the person signing; and the affixing of such signature shall not be held to prejudice the right of any person interested to make any objection to such boundaries on any other ground before the Collector under the next succeeding section.

On receipt of maps, Collector to post notification in his office.

12. On receipt in the Collector's office of the maps or papers showing any boundaries which have been demarcated, the Collector shall cause a notification to be posted in his office, and in such other places as he may think proper, informing all persons concerned that the maps and papers relating to the boundaries in the village or tract specified are open to inspection; and requiring any person who may have any objections to prefer, to prefer such objections within six weeks of the date of the posting of such notification, after which time the Collector will proceed finally to confirm the boundaries as laid down for the purposes of the survey.

Collector when to issue special notice.

Whenever the Collector shall have reason to believe (either from the failure of any person interested or his representatives to sign the maps and papers on the spot when required by the survey officer to do so under the last preceding section, or for any other reason), that any zemindar or person interested is likely to object to any boundary as laid down or as represented in the said papers, the Collector shall cause a special notice requiring such zemindar or other person to attend

personally or by duly authorized agent before him, or before any person authorized by the Collector in that behalf, within a specified time, which shall not be less than one month after the service of the notice, for the purpose of signing and thereby admitting the correctness of any maps or other papers which have been prepared under this Act in respect of any boundary in which such zemindar or other person is interested, or of stating in writing the substance of any objection which he may wish to prefer against the correctness of such maps or papers; and if any person so summoned shall fail to attend and to sign the said maps or papers, or to give in a written statement of his objections within the time prescribed, the Collector may proceed finally to confirm the boundaries as represented in such maps and papers, for the purposes of the survey and of this Act.

If agent deposits expenses of making copies, Collector shall order them to be prepared.

Provided that if within the time specified any such duly authorized agent deposits with the Collector the necessary expenses of making copies of the said maps or papers, the Collector shall order such copies to be prepared, and as soon as they are prepared, shall cause a notice to that effect to be posted at his office, and the said agent shall be allowed such time as may be specified in such notice, not being less than fifteen days from the posting thereof, for the purpose of signing or of giving in a written statement of objections.

Procedure when objection is stated.

When a written statement of objections has been given in, as in this section provided, the Collector, after holding any further inquiry which he may deem necessary, shall pass such order in respect of such objections as to him shall seem fit; and if the objections shall seem to him not to be well founded, shall direct that all expenses of such further inquiry, and all expenses entailed on any other person by such inquiry, shall be recovered from the person who made the objection.

Person making subsequent objection may be required to deposit costs of further inquiry.

13. Whenever any person, having failed to sign the maps and papers, or to give in his objections in writing within the time prescribed by the notification or by the special notice mentioned in the last preceding section shall, at any time before the Collector has finally confirmed the boundaries for the purposes of the survey, prefer any subsequent objection against the correctness of any maps or papers in respect of which such notification or notice was issued, the Collector shall require him to deposit the estimated costs of any further inquiry which it may be necessary to make in respect of his objection; and if the said person shall fail to deposit such costs within the time specified by the Collector, he shall be deemed

for all purposes of the Act to have admitted the correctness of the said maps and papers.

If the costs of any inquiry which may be deemed necessary be deposited, the Collector shall make such further inquiry at the expense of the person so objecting; and if the objection shall seem to the Collector not to be well founded; he may pass such order as he shall think fit in respect of the recovery from the objector of any sum expended by the Collector on the inquiry in excess of the sum deposited, and of any necessary expenses incurred by any other persons on account of such inquiry.

On such deposit Collector may make further inquiry.

Provided that no person so making an objection after the prescribed time shall, under any circumstances, be entitled to recover the expenses which he is required to deposit before any further inquiry is made in respect of such subsequent objection.

PART III.

Boundary Marks.

14. The Collector may cause to be erected temporary boundary marks of such materials, and in such number and manner as he may direct, on any lands to be surveyed under this Act; and may require any occupant of land to maintain and keep in repair such marks, or any boundary marks, until any survey operations shall be concluded and a final award given as to any disputed boundary, or until permanent boundary marks may be erected in lieu thereof as hereinafter provided.

Collector may erect temporary boundary marks.

15. The Collector may at any time cause to be erected on any land which is to be, or which has been, surveyed under this Act, permanent boundary marks of such materials, and in such number and manner, as he may determine to be sufficient to distinguish the boundaries of the estates, tenures, mouzahs, or fields for which the same are to be erected.

Collector may erect permanent boundary marks.

Provided that seven days before he proceeds to the erection of any permanent boundary marks, the Collector shall, for the information of all concerned, cause to be posted in his office, and in the mâl cutcherry, or at some other convenient place on every estate concerned, a specification of the number and character of the marks which he proposes to erect on the estate and an estimate of their cost.

Specification of marks and estimate of their cost to be posted in Collector's office.

16. All expenses incurred by the Collector in erecting temporary or permanent boundary marks under this Act, shall, in manner hereinafter provided, be apportioned among, and levied from, the zemindars and tenure-holders on their estates;

Apportionment of expenses.

Provided that no tenure-holder shall be liable to pay any portion of the expenses incurred by the erection of boundary marks on an estate, unless some portion of his tenure is situated within fifteen hundred feet of some such boundary mark.

Lands not subject to rent to be deemed to be part of a tenure.

17. All lands held without payment of rent, not being entered on the Collector's register of revenue free tenures of the district, shall, for the purposes of this Act, be deemed to form a part of the tenure within the local boundaries of which they may be included, and if they be not included within the local boundary of any tenure, then to be a part of the estate within the local boundaries of which they are included, and if they be not included within the local boundaries of any one estate, then to be a part of such conterminous estate as the Collector in whose district such conterminous estate is situated shall, by an order under his seal, appoint.

Provided that no rent-free holding of which the annual value is less than five rupees, shall be liable to pay any portion of the expenses of erecting boundary marks under this Act.

Procedure when occupant fails to maintain boundary mark.

18. If any occupant on whom a requisition has been made under section fourteen, fails to maintain, or keep in repair, any temporary boundary mark, the Collector may maintain, keep in repair, or restore any such boundary mark, and the expenses thereby incurred shall be recovered as provided in section fifty-seven from the person so failing to maintain, or keep in repair, any such boundary mark.

Zemindar, &c., bound to preserve boundary marks and give notice to Collector when they are injured.

19. Every zemindar, tenure-holder, and farmer of land shall be legally bound to preserve, as far as lies in his power, such of the permanent boundary marks lawfully erected on his estate, tenure, or farm, or on the boundary between his estate, tenure, or farm, and any other estate, tenure, or farm, as may be assigned to him in that respect entirely, or jointly with other persons, under the provisions of section twenty-nine, and shall give immediate notice to the Collector if any such marks are injured, destroyed, or removed, or require repairs.

Collector may re-erect injured boundary mark and recover expenses from zemindar, &c.

20. Whenever it shall come to the notice of the Collector that any permanent boundary mark erected under the provisions of this Act has been injured, destroyed, or removed, or requires repairs, the Collector may cause such boundary mark to be re-erected, restored, or repaired, and may recover any expenses incurred in respect of such re-erection, restoration, or repair, in such proportions as he shall think fit, from the zemin-

dars and tenure-holders to whom such boundary mark may have been assigned in that respect under the provisions of section twenty-nine, and all such expenses shall be recoverable as provided in section fifty-seven.

Collector may cause boundary mark to be erected by occupant of land with his consent.

21. Nothing contained in this Act shall be held to prohibit the Collector from causing any temporary or permanent marks to be erected, maintained, or repaired by any occupant of land, under the directions of the said Collector, and with the consent of such occupant.

The Collector shall repay to such occupant the expenses incurred in such erection or repair, and such expenses shall be apportioned and recovered as provided in Part IV.

PART IV.

Apportionment and Recovery of Expenses.

Collector to prepare statement of all expenses incurred in respect of boundary marks.

22. Upon the completion of the erection of boundary marks on any tract of land of which the survey may have been ordered, or on any convenient portion thereof, the Collector shall forthwith prepare a statement of all expenses incurred in respect of such boundary marks.

Contents of the statement

23. Such statement shall show the total number of marks of each description which have been erected on such tract or portion of such tract, the aggregate cost of erecting all the marks of each description, the names of the estates and mouzahs within, or on the boundaries of, which any marks have been erected, and the total number of marks of each description erected within or on the boundary of each estate.

Collector to apportion the cost of erecting marks among the estates.

24. Upon the completion of such statement, the Collector shall provisionally apportion the aggregate expenses of erecting the marks among the estates specified, with reference to the number of boundary marks of each description which have been erected within or on the boundary of each estate.

Contents of notice to be served on zemindar.

25. So soon as the provisional apportionment shall have been made as required by the last preceding section, the Collector shall cause a notice to be served on the zemindar of every estate on which the expenses have been apportioned—

(*a*) specifying the sum which has been apportioned on his estate, and, as far as can be calculated, the sum which he will be required to pay on account of the service of notices on him under this section and section twenty-nine;

(*b*) informing him that the said statement is open to inspection in the office of the Collector;

(*c*) calling on him to appear in person, or by agent properly authorized at the office of the Collector on a date to be specified in the notice (not being less than two months after the issue of the notice), on which date the Collector will proceed to consider any objections which may be made to the provisional apportionment of expenses;

(*d*) warning him that if he does not appear on the date fixed in pursuance of the notice he will be deemed to have waived all objections to the share of the expenses apportioned to his estate;

and (unless as otherwise hereinafter provided in sections thirty-one, thirty-two, and thiry-three)

(*e*) informing him that under this Act he is entitled to recover a portion of the amount which shall be finally made payable in respect of his estate under section twenty-six, from such tenure-holders on his estate as are made liable to bear a portion of such expenses by sections sixteen and seventeen (of which sections a copy shall be annexed to the notice); and that in order to enable the Collector to apportion the said amount among the said tenure-holders, he may give in a list of all such tenures as defined in this Act, held directly from him, with a specification of the number of boundary marks of each description which are erected within or on the boundary of each tenure;

(*f*) and warning him that if he fails to give in a list of tenures as aforesaid, on or before the said date, he will be deemed to have given up all claim to recover from the tenure-holders any part of the amount for which he may be held liable under section twenty-six.

Collector to make final apportionment.

26. On the date fixed in such notice, the Collector shall proceed to consider all objections which may be made to the provisional apportionment, and to make such final apportionment of the expenses as shall seem to him fit. In making such final apportionment, the costs of serving all notices under section twenty-five shall be distributed rateably among the estates concerned, in proportion to the share of the expenses of erecting boundary marks which may be apportioned to each estate; and the amount so finally apportioned as payable in respect of each estate, together with the costs of serving notices, rateably distributed as aforesaid, shall be due to the Collector from the zemindars of such estates.

Collector may postpone final apportionment.

27. Notwithstanding anything contained in the last preceding section, the Collector may postpone the final apportionment if it shall appear to him that a notice under section twenty five has not been served on the zemindar of any estate

which should be made liable for a portion of the expenses, or for any other sufficient reason.

Zemindar failing to appear will be deemed to have waived all objections.

28. Any zemindar failing to appear on the date fixed in the notice served on him under section twenty-five will be deemed to have waived all objections to the payment of the amount apportioned to his estate, and will not be entitled to prefer any objections thereto on any subsequent date; and any zemindar failing to give in a list of tenures (when called upon under section twenty-five to give in such list) on or before such date, will be deemed to have given up all claim to recover from the tenure-holders any part of the amount which may have been apportioned as payable in respect of his estate under section twenty-six.

Collector to issue a notice specifying amount finally apportioned.

29. So soon as the expenses shall have been finally apportioned under section twenty-six among the estates concerned as hereinbefore provided, the Collector shall issue a notice in respect of every estate, specifying the amount finally apportioned as payable in respect of the estate, and requiring the zemindar to pay such amount to the Collector, together with the costs of serving such notice, within one month of issue of the notice. If such amount be not paid to the Collector within such period, the same, with interest at such rate, not exceeding six per centum per annum, as the Lieutenant-Governor may from time to time determine, may be levied as provided in section fifty-seven.

Notice shall assign boundary marks which zemindars are bound to preserve.

The notice issued under this section shall assign to the zemindar, or to the zemindar jointly with tenure-holders, the boundary marks which they are legally bound to preserve under the provisions of section nineteen, and in respect of which they will be held liable to pay the costs of re-erection, maintenance, and repair, under the provisions of section twenty.

Collector to apportion between zemindar and tenure-holders.

30. If the zemindar of any estate shall give in a list of tenures, as referred to in section twenty-five, with an application to the Collector to apportion between his estate and the tenures the amount which has been apportioned as payable in respect of his estate as aforesaid, the Collector shall proceed to make a provisional apportionment of the said amount between the zemindar and the tenure-holders, to serve notices on the said tenure-holders in the manner provided in section twenty-five, and to make a final apportionment among the said zemindar and tenure-holders in the manner provided in sections twenty-six and twenty-seven; and the provisions of section twenty-eight shall be applicable to such tenure-holders.

Provided that no separate notice shall be served under this section in respect of the provisional or final apportionment of the sum payable in respect of any tenure, if such sum be less than two rupees; but in respect of all such sums it shall be sufficient to publish a list showing the sums apportioned as payable. Such list shall be published by being posted at the office of the Sub-divisional Officer, and at a conspicuous place in some village within which lands appertaining to the tenure are situate.

No separate notice in respect of apportionment of sum less than two rupees.

31. Notwithstanding anything in this Part contained, whenever the Collector may consider that he has sufficient information (whether derived from papers compiled for the purposes of the road cess, from enquiries made in the course of proceedings under this Act or otherwise) to enable him in a summary way to make an apportionment of any expenses recoverable under this Act in respect of any estate, between the zemindars of, and the holders of, tenures in such estate, the Collector may, as soon as possible after he shall have made a provisional apportionment under section twenty-four of the sum payable in respect of such estate, and without calling on the zemindar to give in any list of tenures as provided in clause (*e*) of section twenty-five, proceed to make a provisional apportionment between the zemindars and the tenure-holders of such estates of the sum which has been provisionally apportioned under section twenty-four as payable in respect of the estate.

Summary apportionment between zemindar and tenure-holders.

32. Whenever any provisional apportionment of the sum payable between the zemindars and the tenure-holders may have been made summarily, as provided in the last preceding section,

Contents of notice to be served on zemindar when provisional apportionment has been made summarily.

the notice to be served on the zemindar under section twenty-five shall inform the zemindar, in addition to the particulars specified in clauses (*a*), (*b*), (*c*), and (*d*) of the said section, and instead of those specified in clauses (*e*) and (*f*),

that under this Act he is entitled to recover a portion of the amount which shall be finally apportioned as payable in respect of his estate under section twenty-six from the tenure-holders on his estate; and

that the Collector has made a provisional apportionment of the said sum between the zemindar and tenure-holders according to a list which shall be annexed to the said notice;

and shall warn him

that if he fails to prefer any objection to such provisional apportionment on or before the date specified, he will be deemed to have given up all right to prefer any such objection at any future time; and

that the Collector will proceed to make such apportionment final, or to make any modifications in it which he may think fit; provided that the sum finally made payable by the zemindar shall not exceed the sum apportioned upon him in the said provisional apportionment between the zemindars and the tenure-holders.

Procedure on provisional apportionment.

33. As soon as a provisional apportionment between the zemindar and the tenure-holders shall have been made summarily as provided in section thirty-one, the Collector shall proceed to serve notices on the tenure-holders concerned in the manner provided in section thirty, and to do all other things as if the said provisional apportionment upon tenure-holders had been made on a list given by the zemindar under section thirty.

Mode of apportionment among tenures.

34. In apportioning the amount among the zemindar and the tenure-holders, the Collector shall first deduct such sum as he shall consider to be fairly payable by the zemindar in respect of lands not included in any tenure, and in respect of his interest in lands which are included in tenures; and in apportioning the remainder among the tenures, he shall take into consideration the number of pillars erected within or on the boundary of each tenure, the extent of each tenure, and the distance at which it is situated from the boundary marks; but no tenure shall be made liable for any portion of the sum so apportioned, unless some part of it be situated within fifteen hundred feet from some boundary mark.

Notice of apportionment in respect of tenures.

35. So soon as the final apportionment among tenure-holders under section thirty shall be completed, the Collector shall cause to be issued notices to each of the said tenure-holders, stating the amount payable in respect of each of their tenures, with interest (if any) calculated at the annual rate of six per centum from the date on which the zemindar paid to the Collector the sum which was apportioned on his estate under section twenty-six, and the cost of serving upon the tenure-holder the notice under this section and calling upon him to pay the total amount so due to the zemindar of the estate of which the tenure is a part, within one month of the date of the notice.

No separate notice to be served on tenure holder who is required to pay less than two rupees.

Provided that no separate notice shall be served under this section on any tenure-holder who is required to pay a sum of less than two rupees as his share of the expenses apportioned under this Act; but in respect of such sums it shall be sufficient to publish a list in the manner prescribed by section thirty, and no costs incurred in respect of the publication of any such list shall be recoverable from any person mentioned therein as liable to pay less than two rupees.

36. Notwithstanding anything contained in section thirty-five, the Collector shall not issue the notices therein mentioned to the tenure-holders until the zemindars concerned shall have deposited with the Collector the full amount of the costs of serving all the notices, and of publishing the lists as required by that section.

Collector not to issue notices to tenure-holders until zemindars have deposited costs.

37. The provisions of sections twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-four and thirty-five shall be applicable, as far as possible, to every case in which any tenure-holder, who has been made liable for the payment of any share of expenses under this Act, may apply to the Collector to apportion the amount for which he has been made liable between himself and the holders of subordinate tenures direct from himself;

Apportionment between tenure-holder and holder of subordinate tenure.

and the provisions of sections thirty-one, thirty-two, and thirty-three, regarding the procedure for making a provisional apportionment in a summary way between a zemindar and the tenure-holders on his estate, shall be applicable, as far as possible, to the provisional apportionment of expenses between the holder of a tenure and the holders of under-tenures within his tenure;

Provided always that no such apportionment shall be made in respect of ryots who have a right of occupancy only, and whose rent is not fixed in perpetuity.

38. Every zemindar or tenure-holder to whom any sum is payable under the preceding sections, may recover the same with interest as aforesaid in the manner provided by any law for the time being in force for the recovery of arrears of rent in respect of the tenure for which the sum is due.

Recovery of sums payable to zemindar or tenure-holder.

39. The provisions of this Part shall apply to all sums expended by the Government since the first day of November one thousand eight hundred and seventy-four in erecting boundary marks.

Recovery of sums expended by Government since 1st November 1874.

PART V.

Boundary Disputes.

40. If it shall come to the notice of the Collector, in the course of a survey under this Act, that a dispute exists as to any boundary which should be surveyed, the Collector, after holding such inquiry as he may deem necessary, may determine such boundary as hereinafter provided.

Procedure in case of dispute as to any boundary.

Powers of Collector when boundary not determined by competent authority.

41. The Collector shall determine the boundary according to actual possession, and cause it to be secured by boundary marks; and the order of the Collector under this section shall, until it be reversed or modified by competent authority, have the force of an order of any Civil Court declaring the parties to be in possession of the land in accordance with the boundary as determined by the Collector.

Power of Collector to take possession of land in dispute.

42. If, after holding the necessary inquiry, the Collector is unable to discover which party was in possession of the disputed land when he instituted the enquiry under this section, the Collector may take possession of the land in dispute, and retain possession thereof until some party shall have established his right to the said land.

Power to refer to arbitration.

43. Whenever the Collector thinks it necessary to decide a dispute as to any boundary under the last preceding section, he may, with the consent of the parties concerned, refer the same to arbitration.

The procedure laid down in *Chapter XXXVII of the Code of Civil Procedure shall, so far as may be practicable, be applicable to disputes so referred to arbitration.

Powers of Collector when boundary determined by Court or by Revenue Survey.

44. If the boundary regarding which the dispute exists as mentioned in section forty shall at any previous time have been determined by any Court of competent jurisdiction, or shall have been laid down and shown on a map in the course of any previous Revenue Survey or Settlement, and no objection to the boundary as then laid down and mapped shall have been preferred before any authority competent to decide on such objection;

whenever the dispute relates to the boundary of an estate which is liable for revenue, or to any other boundary by which the interests of Government may be affected, the Collector shall,

and whenever the dispute relates to any other boundary, the Collector may, if he thinks fit, relay, as nearly as may be possible, the boundary as previously determined or laid down and shown on the map, and cause such boundary to be shown on the survey map, with an explanatory note to the same;

Provided that the relaying and record of a boundary by the Collector under this section shall not affect the possession of any land by any party;

* Act No X of 1877, section 3, para, 2.

and shall be in addition to the determination and record of the boundary according to actual possession required by section forty-one.

Nothing contained in this section shall be held to prohibit the Collector from deviating from a boundary as held by actual possession or as shown on a former map, and laying down a new boundary, if all the parties concerned agree to such new boundary, on the ground that the boundary held by actual possession, or as shown on the former map, was incorrect, and if it appears to the Collector that there is no objection to the adoption of such new boundary.

Collector may deviate from boundary if parties agree.

The reason for every such deviation shall be recorded in the Collector's proceedings.

45. If it shall come to the notice of the Collector at any time, or in any manner, that a doubt or dispute exists in respect to any boundary

Power of Collector when doubt or dispute exists as to any boundary.

(*a*) which has at any time been determined by a competent Court; or

(*b*) which has been laid down and shown on a map, in the course of a previous Revenue Survey or settlement, or other proceeding of a revenue officer for any special purpose, and against which no objection has been preferred to any authority competent to decide upon such objection; or

(*c*) which has been laid down by Survey under this Act,

the Collector may, if he thinks it desirable for any reason that the boundary so determined or laid down shall be relaid, proceed to relay the boundary in the manner prescribed in section forty-four of this Act,

and for the purpose of so relaying the boundary he may make any inquiries and surveys which may be necessary, and such inquiries and surveys shall be deemed to be proceedings under section six, and the Collector shall exercise in respect thereof all powers which he may exercise in respect of inquiries and surveys under that section.

46. Whenever the Collector shall have determined a boundary which was in dispute, and the order shall have become final,

In certain cases Collector may cause marks to be erected.

and whenever a boundary which has been supplied by the survey officers, or has been determined under this Act, has been altered by a decree of any Civil Court, which has become final,

and whenever it shall come to the notice of the Collector that any boundary has been determined by a competent Court or authority,

the Collector may cause such marks as he may think fit to be erected in order to secure the boundary permanently, and the provisions of Parts III and IV shall, so far as is possible, be applicable to boundary marks which are erected under this section, and to the apportionment of the cost thereof.

PART VI.

MISCELLANEOUS.

Joint zemindars to be subject to every liability imposed on single zemindars.

47. Whenever any estate or tenure is held jointly by two or more zemindars or tenure-holders, all such zemindars and tenure-holders shall be jointly and severally liable in respect of every liability imposed upon zemindars or tenure-holders respectively by this Act;

And any shareholder in any estate or tenure who may have paid the amount finally apportioned to such estate or tenure, may recover from his co-sharers such sums as may be payable in respect of their shares as arrears of rent, or may take credit for such sums in any adjustment of accounts between himself and his co-sharers.

Service of notice.

48. Every notice in and by this Act required to be served on any person may be served—

(1) By delivering the same to the person to whom it is directed, or, on failure of such service, by posting the same on some conspicuous part of the house in which the said person resides, or by delivering the said notice to a general agent of the person to whom such notice is directed; or

(2) By sending a registered letter containing such notice directed to the said person at his usual place of abode, or to the place where he may be known to reside; or

(3) By posting a copy of the notice at any mâl cutcherry of the estate or tenure of the person to whom the notice is directed; or, if no such mâl cutcherry be found, on some conspicuous place on the said estate or tenure to which such notice relates, and by delivering, in the case of estates paying their annual revenue by four instalments, another copy thereof to any agent who shall have paid an instalment of revenue next after the preparation of such notice. In all cases where two or more persons are holders of an estate or tenure, service of notice under this clause shall be deemed to be good and sufficient service on each and all of such persons.

49. No proceedings under this Act shall be affected by reason of any mistake in the name of any person thereby rendered liable to pay any sum of money, or in the description of any estate or tenure or land in respect of which he is rendered liable to pay, or by reason of any other informality, provided the directions of this Act be in substance and effect complied with; and no proceedings under this Act shall be affected by reason of the omission to serve any notice on any zemindar whose name is not recorded on the Collector's registers as owner of the estate in respect of which the notice is required to be served.

No proceedings under this Act to be affected by any mistake or misdescription.

50. For the purpose of any inquiry under this Act, the Collector shall, in addition to every power conferred specially by this Act, have power to summon and enforce the attendance of witnesses and compel the production of documents by the same means (as far as may be) and in the same manner as is provided in the case of a Court under the Code of Civil Procedure.

Power of Collector to enforce attendance of witnesses.

51. If any person shall fail to comply with a requisition contained in any special notice served under section seven of this Act, or in any notice served for the purpose of any inquiry under Part V of this Act, within the time specified in such notice, the Collector may impose upon him such daily fine as he may think fit, not exceeding fifty rupees, and such fine shall be payable daily until the requisition is complied with; and the Collector may proceed, from time to time, to levy any amount which has become due in respect of any such fine, notwithstanding that an appeal against the order imposing such fine may be pending:

Daily fine for failure to comply with requisition in notice

Provided that whenever the amount levied under any such order shall have exceeded five hundred rupees, the Collector shall report the case specially to the Commissioner of the Division, and no further levy in respect of such fine shall be made otherwise than by authority of the said Commissioner.

52. Any person, being bound by the provisions of section nineteen to give notice to the Collector in respect of any boundary mark having been injured, destroyed, or removed, or requiring repairs, who shall fail to give such notice, shall be liable to a fine not exceeding one hundred rupees, to be imposed by order of the Collector.

Penalty for failing to give notice of injury to boundary mark.

53. Any person convicted before a Collector of wilfully erasing, removing, or damaging any boundary mark (not being a landmark fixed by the authority of a public servant

Penalty for removing boundary mark.

within the meaning of section 434 of the Indian Penal Code) which has been lawfully erected, may be ordered by the convicting officer to pay such sum, not exceeding two hundred rupees, for each mark so erased, removed, or damaged, as the said officer may think fit, in addition to such sum as may be necessary to defray the expense of restoring the boundary mark so erased, removed, or damaged.

Collector may award portion of fine to informer.

54. The Collector may award any portion of a fine imposed under either of the two last preceding sections, and which may be realised, to any person who may have given information leading to the imposition of the fine.

Levy of fine.

55. A fine under sections fifty-one, fifty-two, fifty-three may be levied, as far as may be practicable, in the manner provided in section 307 of the Code of Criminal Procedure; but if no moveable property belonging to the person from whom the fine is due is found in the district within which the order was passed, then such fine may be levied as if it were an arrear of revenue.

When person removing boundary mark cannot be found, Collector may repair.

56. Whenever the person erasing, removing, or damaging any boundary mark cannot be discovered, or if for any other reason it is found impracticable to recover from him the sum which he has been so ordered to pay, the boundary mark shall be restored or repaired by the Collector, and the expenses thereby incurred shall be recovered from the occupants of such of the conterminous lands, and in such proportions, as to the Collector may seem fit.

Every amount due deemed to be a demand under Bengal Act VII of 1868.

57. Every amount which may become due to the Collector under the provisions of this Act in respect of any expenses incurred, or of any notices served, or of any costs payable by any party in an appeal, shall be deemed to be a demand under section 1 of Bengal Act VII of 1868 *(an Act to make further provision for the recovery of arrears of Land Revenue and Public Demands recoverable as arrears of Land Revenue)*, and shall be leviable as such.

No appeal to lie against any order passed under this Act.

58. Except as provided in sections fifty-nine and sixty, no appeal shall lie, as of right, against any order passed under this Act by any officer; but the proceedings and orders of Assistant Superintendents and of Deputy Collectors under this Act shall be subject to the supervision and control of the Superintendent of Survey or Collector; the proceedings and orders of the Superintendent of Survey and of the Collector to the supervision and control of the

Commissioner of the Division; and the proceedings and orders of all officers to the supervision and control of the Board of Revenue.

Government may restrict functions of Commissioner.

Provided that the Government may order that in the course of any survey under this Act the functions of the Commissioner shall be restricted to the decision of appeals under section sixty, and that the general powers of control and supervision over the Superintendent of Survey or Collector and their subordinate officers may be exercised by the Board of Revenue direct.

Appeal to lie to the Collector or Superintendent of Survey against order of Assistant Superintendent, or Deputy Collector.

59. An appeal, if presented within one month of the date of the order appealed against, shall lie to the Collector or Superintendent of Survey against every order of a Deputy Collector or of an Assistant Superintendent,

(*a*) determining under section eight the amount to be paid as the price of materials or labor supplied;

(*b*) determining under section ten the amount to be paid as compensation;

(*c*) deciding a boundary dispute;

(*d*) imposing a fine under this Act.

Appeal to Commissioner against order of Collector or Superintendent of Survey

60. An appeal, if presented within one month of the date of the order appealed against, shall lie to the Commissioner of the Division against every order of the Collector or Superintendent of Survey,

(*a*) determining under section eight the amount to be paid as value of materials or labor supplied,

(*b*) determining under section ten the amount to be paid as compensation;

(*c*) determining a disputed boundary;

(*d*) imposing a fine of more than fifty rupees on any person,

provided that the order appealed against under clauses (*a*), (*b*), and (*c*), shall not have been passed by the Collector or Superintendent of Survey on an appeal preferred against the order of a subordinate officer.

Orders as to the costs on appeal.

61. The Commissioner, Collector, or Superintendent of Survey may pass such orders as they shall think fit in respect of the payment of costs incurred by any party in an appeal.

62. No suit shall be brought to set aside an order of a Superintendent of Survey, Collector, Assistant Superintendent, or Deputy Collector deciding a boundary dispute, unless an appeal shall have been first preferred under section fifty-nine or section sixty, or unless the person suing was at the time when such order was passed a minor, or insane, or an idiot.

No suit to be brought unless appeal first preferred.

63. With the sanction of the Lieutenant-Governor the Board of Revenue may lay down rules, not being inconsistent with this Act,

Board of Revenue may lay down rules with sanction of Lieutenant-Governor.

to provide for the preparation of maps and registers, and for the collection and record of any information in respect of any land to be surveyed under this Act;

and generally to provide for the proper performance of all things to be done, and for the regulation of all proceedings to be taken under this Act.

All inquiries ordered to be made for the collection of information under such rules, shall be deemed to be inquiries under section six, and the Collector shall exercise in respect thereof all powers which he may exercise in respect of inquiries under that section.

ACT No. I OF 1876.

(*Received the assent of the Lieutenant-Governor on the 23rd November* 1875, *and of the Governor-General on the* 11*th January* 1876.)

An Act to provide for the Voluntary Registration of Mahomedan Marriages and Divorces.

WHEREAS it is expedient to provide for the voluntary registration of marriages and divorces among Mahomedans: It is enacted as follows:—

Preamble.

1. This Act shall commence and take effect in those districts in the provinces subject to the Lieutenant-Governor of Bengal, to which the said Lieutenant-Governor shall extend it by an order published in the *Calcutta Gazette;* and thereupon this Act shall commence and take effect in the districts named in such order, on the day which shall be in such order provided for the commencement thereof.

Local extent.

The Act has been extended to the districts of Dacca, Mymensingh, Backergunge, Rungpore, Bogra, and Chittagong.—*Calcutta Gazette*, 1876, p. 89; to Noakholly, *ibid.*, p. 650; to Tipperah, *ibid.*, p. 1311; to Jessore, *ibid.*, p. 1398; to Furreedpore, Pubna, Kooshtea, Dinagepore, Nattore, *ibid.*, p. 1492.

Interpretation.

2. In this Act—unless there be something repugnant in the subject or context—

"Mahomedan Registrar."

"Mahomedan Registrar" means any person who is duly authorized under this Act to register marriages and divorces.

"Inspector-General of Registration." "Registrar."

"Inspector-General of Registration" and "Registrar" respectively mean the officers so designated and appointed under the *Indian Registration Act, 1877, or other law for the time being in force for the registration of documents.

"District."

"District" means a district formed under the provisions of the *Indian Registration Act, 1877.

"Purdah-nisheen."

"Purdah-nisheen" means a woman who, according to the custom of the country, might reasonably object to appear in a public office.

Lieutenant-Governor may grant license to register.

3. It shall be lawful for the Lieutenant-Governor to grant a license to any person, being a Mahomedan, authorising him to register Mahomedan marriages and divorces which have been effected within certain specified limits, on application being made to him for such registration; and in like manner it shall be lawful for the said Lieutenant-Governor to revoke or suspend such license:

Provided that no more than two persons shall be licensed to exercise the said functions within the same limits: and provided further that when two persons are so licensed to act within the same limits, the one shall be a member of the Sunni, and the other of the Shiah sect.

Mahomedan Registrars to use seals.

4. Every Mahomedan Registrar shall use a seal bearing the following inscription in the Persian character and language: "The seal of the Mahomedan Registrar of ."

Government to provide seal and books.

5. The Lieutenant-Governor shall supply for the office of every Mahomedan Registrar the seal and the books necessary for the purposes of this Act.

The pages of such books shall be consecutively numbered in print, and the number of pages in each book shall be certified on the title-page by the officer by whom such books are issued.

Mahomedan Registrar to keep registers.

6. Every Mahomedan Registrar shall keep up the following register books:

BOOK 1.—Register of marriages in the form A contained in the schedule to this Act.

* Act No. III of 1877, section 2, para. 3.

BOOK 2.—Register of divorces other than those of the kind known as *Khula*, in the form B contained in the schedule to this Act.

BOOK 3.—Register of divorces of the kind known as *Khula*, in the form C contained in the schedule to this Act.

Entries to be numbered.

7. All entries in each register prescribed by the last preceding section shall be numbered in a consecutive series, which shall commence and terminate with the year, a fresh series being commenced at the beginning of each year.

Applications by whom to be made.

8. Every application for registration under this Act shall be made to the Mahomedan Registrar orally as follows:—

If the application be for the registration of a marriage:

By the parties to the marriage jointly: provided that if the man, or the woman, or both, be minors, application shall be made on their behalf by their respective lawful guardians: and provided further that if the woman be a purdah-nisheen, such application may be made on her behalf by her duly authorized vakil.

If the application be for registration of a divorce other than of the kind known as Khula:

By the man who has effected the divorce.

If the application be for the registration of a divorce of the kind known as Khula:

By the parties to the divorce jointly: provided that if the woman be a purdah-nisheen, such application may be made on her behalf by her duly authorized vakil.

Duties of Mahomedan Registrar on application being made.

9. On application being made to a Mahomedan Registrar for registration under this Act of a marriage or divorce within one month of the marriage or divorce being effected, and not otherwise, and on payment to him of a fee of one rupee, the Mahomedan Registrar shall—

(*a*) satisfy himself whether or not such marriage or divorce was effected by the person or persons by whom it is represented to have been effected;

(*b*) satisfy himself as to the identity of the persons appearing before him and alleging that the marriage or divorce has been effected;

(*c*) in the case of any person appearing as representative of the man or woman (whether he appear as guardian or vakil), satisfy himself of the right of such person to appear.

If the Mahomedan Registrar be satisfied on the above points, and not otherwise, he shall make an entry of the marriage or divorce in the proper register :

Provided that no such entry shall be made otherwise than in the presence of every person who, by section eleven of this Act, is required to sign such entry.

Mahomedan Registrar may receive gratuity.

10. Nothing in the preceding section shall be held to prohibit a Mahomedan Registrar from receiving a gratuity in excess of the prescribed fee of one rupee, when such gratuity is voluntarily tendered.

Entries by whom to be signed.

11. Every entry in a register kept under this Act shall be signed as follows :—

If the entry be of a marriage in a register in the form A contained in the schedule to this Act—

(1) By the parties to the marriage, or, if either or both of them be minors, by their lawful guardians respectively : provided that if the woman be a purdah-nisheen, the entry may be signed on her behalf by her duly authorized vakil :—

(2) By two witnesses who were present at the marriage ceremony :

(3) In cases in which the woman is represented by a vakil, by two witnesses to the fact of the vakil having been duly authorized to represent her :

(4) By the Mahomedan Registrar.

If the entry be of a divorce other than the kind known as Khula in a register in the form B contained in the schedule to this Act—

(1) By the man who has effected the divorce :

(2) By the witness who identifies the man who has effected the divorce :

(3) If the man be of the Shiah sect, by two witnesses to the divorce being effected :

(4) By the Mahomedan Registrar.

If the entry be of a divorce of the kind known as Khula in a register in the form C contained in the schedule to this Act—

(1) By the parties to the *Khula :* provided that if the woman be a purdah-nisheen, the entry may be signed on her behalf by her duly authorized vakil :

(2) By the person who identifies the man :

(3) By the person who identifies the woman :

(4) If the application for registration has been made by a vakil on behalf of the woman, by two witnesses to the fact of the vakil having been duly authorized to represent her :

(5) If the man be of the Shiah sect, by two witnesses to the divorce being effected :

(6) By the Mahomedan Registrar.

Copies of entry to be given to parties.

12. On completion of the registration of any marriage or divorce, the Mahomedan Registrar shall deliver to each of the applicants for registration an attested copy of the entry ; and for such copy no charge shall be made.

Index to be kept up.

13. In every office in which any register hereinbefore mentioned is kept, there shall be prepared a current index of the contents of such register; and every entry in such index shall be made, so far as practicable, immediately after the Mahomedan Registrar has made an entry in any such register.

Particulars to be shown in index.

14. The index mentioned in the last preceding section shall contain the name, place of residence, and father's name of each party to every marriage or divorce, and the date of registration. It shall also contain such other particulars, and shall be prepared in such form as the Lieutenant-Governor may direct.

Index may be inspected and copies of entries in registers taken.

15. Subject to the previous payment of the fees prescribed, the index, whether it be in the office of the Mahomedan Registrar or of the Registrar of the District, and the copies of entries in such index, which are filed in the office of the Registrar of the District under the provisions of section twenty-two of this Act, shall be at all times open to inspection by any person applying to inspect the same ; and copies of entries in any of the registers, and of the certified copies of such entries, which are filed in the office of the Registrar of the District under section twenty-two of this Act, shall be given to all persons applying for such copies.

Such copies shall be signed and sealed by the registrar of the District or by the Mahomedan Registrar, as the case may be.

Fees for searches and copies.

16. Every Registrar of a District and every Mahomedan Registrar shall, for the purposes of this Act, be entitled to levy the following fees :—

For every search or permission to search in any index or register under his charge—four annas.

For every certified copy of any entry in a register other than the first copy referred to in section twelve of this Act—one rupee.

Mahomedan Registrars to be subject to control of District Registrar.

17. Every Mahomedan Registrar shall perform the duties of his office under the superintendence and control of the Registrar in whose district the office of such Mahomedan Registrar is situate.

In the town of Calcutta every Mahomedan Registrar shall perform the duties of his office under the superintendence and control of the Inspector-General of Registration.

Every Registrar, and in the town of Calcutta the Inspector-General of Registration, shall have authority to issue (whether on complaint or otherwise) any order consistent with this Act, which he considers necessary in respect of any act or omission of any Mahomedan Registrar subordinate to him.

Inspector-General of Registration to exercise general superintendence.

18. The Inspector-General of Registration shall exercise a general superintendence over offices of all Mahomedan Registrars, and shall have power, from time to time, to frame rules consistent with this Act for the guidance of the said Mahomedan Registrars, and the regulation of their offices generally.

Rules to be approved by Lieutenant-Governor and published in Gazette.

19. All rules framed in accordance with the last preceding section shall be submitted to the Lieutenant-Governor for approval, and after they have been approved, they shall be published in the official *Gazette*, and shall then have the same force as if they were inserted in this Act.

Refusal to register to be recorded.

20. Every Mahomedan Registrar refusing to register a marriage or divorce shall make an order of refusal, and record his reasons for such order in a book to be kept for that purpose.

Appeal against refusal to register.

21. An appeal shall lie against an order of a Mahomedan Registrar refusing to register a marriage or divorce to the Registrar to whom such Mahomedan Registrar is subordinate, if presented to such Registrar within twenty days from the date of the order, and the Registrar may reverse or alter such order; and the order passed by the Registrar on appeal shall be final.

Copies of entries to be sent monthly to Registrar of District.

22. Every Mahomedan Registrar shall, at the expiration of every month, send certified copies of all entries made by him during the month in the registers mentioned in section six of this Act, and also of the entries which have been made in the index referred to in sections thirteen and fourteen of this Act, to the Registrar of the District with which such Mahomedan Registrar has been authorized to act, and the Registrar, on receiving such copies, shall file them in his office.

23. Every Mahomedan Registrar shall keep safely each register until the same shall be filled, and shall then, or earlier, if he shall leave the District or cease to hold a license, make over the same to the Registrar of the District for safe custody, or to such other person as the Registrar may direct.

Registers to be given up.

24. The Lieutenant-Governor may, from time to time, prescribe such rules as he thinks fit, provided that such rules be not inconsistent with any provision of this Act—

Lieutenant-Governor may prescribe rules.

(*a*) for determining the qualifications to be required from persons to whom licenses under section three of this Act may be granted;

(*b*) for regulating the attendance of Mahomedan Registrars at the celebration of marriages, and their remuneration for such attendance;

(*c*) for regulating the grant of copies by Registrars and Mahomedan Registrars;

(*d*) for regulating the payment by the Mahomedan Registrars of the cost of the seals, forms of registers, stationery, and any other articles which may be supplied to them by the Government;

(*e*) for regulating the application of the fees levied by Registrars of Districts and Mahomedan Registrars under this Act; and

(*f*) for regulating such other matters as appear to the Lieutenant-Governor necessary to effect the purposes of this Act.

The Lieutenant-Governor may, from time to time, cancel or alter any such rules.

25. Every Mahomedan Registrar shall be, and be deemed to be, a public officer, and his duties under this Act shall be deemed to be public duties.

Mahomedan Registrar to be a public officer.

26. Nothing in this Act contained shall be construed to—

Saving clause.

(*a*) render invalid, merely by reason of its not having been registered, any Mahomedan marriage or divorce which would otherwise be valid;

(*b*) render valid, by reason of its having been registered, any Mahomedan marriage or divorce which would otherwise be invalid;

(*c*) authorize the attendance of any Mahomedan Registrar at the celebration of a marriage, except at the request of all the parties concerned;

(*d*) affect the religion or religious rites and usages of any of Her Majesty's subjects in India;

(*e*) prevent any person, who is unable to write, from putting his mark, instead of the signature required by this Act.

SCHEDULE.

(*See sections* 6 *and* 11.)

FORM (A). BOOK I.

Register of marriages (as prescribed by section 6 *of the Act for the voluntary registration of Mahomedan marriages and divorces.)*

1. Consecutive No.

2. Name of the bridegroom and that of his father, with their respective residences.

3. Name of the bride and that of her father, with their respective residences.

4. Whether the bride is a spinster, a widow, or divorced by a former husband, and whether she is adult or otherwise.

5.* Name of the guardian of the bridegroom (if the bridegroom be a minor) and that of the guardian's father, with specification of the guardian's residence, and of the relationship in which he stands to the bridegroom.

6.* Name of the guardian of the bride (if she be a minor) and that of his father, with specification of his residence, and the relationship in which he stands to the bride.

7.† Name of the bride's vakil, and of his father, and their residences, with specification of the relationship in which the vakil stands to the bride.

8.† Names of the witnesses to the due authorization of the bride's vakil, with names of their fathers and residences, and specification of the relationship in which they stand to the bride.

9. Date on which the marriage was contracted,—to be given according to the English style and according to the era current in the district.

10. Amount of dower.

11. How much of the dower is Moajjul (prompt) and how much Mowujjul (deferred).

12. Whether any portion of the dower was paid at the moment. If so, how much?

---

* These columns will be blank if the bride and bridegroom respectively are not represented by guardians.

† These columns will be blank when the bride is not represented by a vakil.

13. Whether any property was given in lieu of the whole or any portion of the dower, with specification of the same.

14. Special conditions, if any.

15. Names of village or town, police jurisdiction, and district in which the marriage took place.

16. Name of the person in whose house the marriage ceremony took place, and that of his father.

17. Date of registration, to be given according to the English style.

FORM (B). BOOK II.

Register of divorces other than those of the kind known as khula (prescribed by section 6 of the Act for the voluntary registration of Mahomedan marriages and divorces.)

1. Consecutive No.

2. Names of the husband and of his father, and their residences.

3. Names of the wife and of her father, and their residences.

4. Date of divorce—according to the English style and according to the era current in the district.

5. Description of divorce.

6. Manner in which the divorce was effected.

7. Names of the village or town, police jurisdiction, and district in which the divorce took place.

8. Name of the party in whose house the divorce took place, and of his father.

9. Names of witnesses to the divorce, if any, the names of their fathers and their respective residences.

10. Name of party identifying the husband before the Mahomedan Registrar, and that of his father, and their residences.

11. Date of registration,—to be given according to the English style.

FORM (C). BOOK III.

Register of divorces of the kind known as khula (prescribed by section 6 of the Act for the voluntary registration of Mahomedan marriages and divorces.)

1. Consecutive No.

2. Name of the husband and that of his father, and their residences.

3. Name of the wife and that of her father, and their residences.

4. Date of *khula*—according to the English style and according to the era current in the district.

5. Amount of dower.

6. Whether *khula* was acknowledged by the wife in person before the Mahomedan Registrar.

7. If so, name of the party identifying her before the Mahomedan Registrar, and that of his father, and their residences, with specification of the relationship which he bears to her, if any.

8.* If the *khula* be acknowledged before the Mahomedan Registrar by the wife's vakil, his name and that of his father, and their residences, with specification of the relationship which the vakil bears to the wife, if any.

9. Names of the two witnesses to the due authorization of the wife's vakil and those of their fathers, with their residences.

10. Name of village or town, police jurisdiction, and district where the *khula* took place.

11. Name of the person in whose house the *khula* took place, and that of his father.

12. Names of the witnesses, if any, to the divorce being affected, the names of their fathers, and their residences.

13. Name of the person identifying the husband, and that of his father, and their residences.

14. Date of registration, to be given in the English style.

ACT No. II OF 1876.

(*Received the assent of the Lieutenant-Governor on the 28th August* 1875, *and of the Governor-General on the 5th February* 1876.)

An Act to amend Act XI of 1849, *Act XXI of* 1856, *and Act IV* (*B.C.*) *of* 1866.

Preamble.

WHEREAS it is expedient to amend Act XI of 1849 (*for securing the Abkaree Revenue of Calcutta*), Act XXI of 1856 (*to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal*), and Act IV (B.C.) of 1866 (*for regulating the Police of the Town of Calcutta, &c.*); It is hereby enacted as follows:—

1 *to* 11. [*Repealed by Bengal Act VII of* 1878.]

Amendment of section 40 of Bengal Act IV of 1866.

12. Act IV (B.C.) of 1866 shall be read as if for section 40 of the said Act the following section were substituted:—

[*See above, p.* 99.]

13, 14, 15. [*Repealed by Bengal Act VII of* 1878.]

* This column will be blank if the woman is not represented by a vakil.

THE BENGAL IRRIGATION ACT, 1876.

CONTENTS.

PREAMBLE.

PART I.

PRELIMINARY.

SECTION.

1.—Short title.
Local extent and commencement.
2.—Repeal of Acts.
3.—Interpretation clause.
4.—Bengal Embankment Act not applicable to canals.
5.—Power to appoint officers.

PART II.

APPLICATION OF WATER FOR PUBLIC PURPOSES.

6.—Notification to issue when water-supply is to be applied for public purposes.
7.—Powers of Canal Officer.
8.—Notice as to claims for compensation.
9.—Contents of notice.
Notice to occupiers.
10.—Power to require statements as to name and interests.
Penalty for failure to comply.
Persons required to make statements legally bound to do so.
11.—Damage for which compensation shall not be awarded.
Matters in respect of which compensation may be awarded.
Compensation for loss of tolls lawfully levied.
Diminution in market-value to be considered.
12.—Compensation for loss of drinking-water.
13.—Limitation of claims.
14.—Enquiry into claim and tender of compensation.
Power to summon witnesses.
15.—Postponement of enquiry.
16.—Award in case of compensation being agreed on.
Award to be filed and to be evidence.
17.—Collector to refer the matter to Court when compensation not accepted as sufficient.
18.—Collector to record certain particulars in certain cases.
And to place the amount of compensation in deposit.
19.—Objections may be made to the amount of compensation fixed by the Collector.
20.—Procedure in making reference under section seventeen.

21.—Procedure on receipt of a reference under section seventeen.
22.—Particulars of apportionment to be specified.
23.—Disputes as to apportionment.
Costs.
24.—Determination of proportions.
Appeal.
25.—Payment of compensation.
26.—Government not liable to any further claim.
27.—Liability of person receiving compensation not affected.
28.—Abatement of rent on interruption of water-supply.
29.—Enhancement of rent on restoration of water-supply.
30.—Compensation when due. Interest.
Collector may invest amount deposited or awarded in Government Securities.
31.—Compensation not claimable in respect of works executed before Act came into force.
32 —Service of notice.

PART III.

MAINTENANCE OF CANALS.

33.—Entry for inquiry.
34.—Power to inspect and regulate water-supply.
35.—Power to enter for repairs, and to prevent accidents.
36.—Notice to occupier of building, etc.
37.—Compensation for damage to land.
38.—Appeal from Collector's decision to Commissioner.
39.—Government to provide means of crossing canals and of drainage.
Collector to certify to the Government that means of crossing canals and drainage have been provided.

PART IV.

DRAINAGE.

40.—Lieutenant-Governor may prohibit formation of obstructions within certain limits.
41.—Canal Officer may issue notice to person causing obstructions.
42.—Canal Officer may cause obstructions to be removed.
43.—When drainage-works are necessary, Lieutenant-Governor may order a scheme to be drawn up and carried out.
44.—Disposal of claims to compensation.
45.—Limitation of such claims.

PART V.

VILLAGE-CHANNELS.

46.—Definition of "Person."
47.—Register of village-channels to be kept.
Extension or branch of village-channel to be registered.

Canal Officer may register as one village-channel a section including portions lying within two or more villages.

48.—Any person may acquire an existing village-channel by agreement.

49.—Any person may construct a new village-channel with consent of owners or occupiers.

50.—Any person may construct a new channel by applying to Canal Officer.

51.—Procedure when Canal Officer considers construction of village-channel expedient.

Person wishing to be joint owner must make his application within thirty days.

52.—Collector to acquire land.

53.—Procedure after construction of village-channel.

54.—Canal Officer may direct transfer of a village-channel.

55.—Any person may apply to be admitted joint owner of an existing village-channel.

56.—Canal Officer to determine compensation to be paid for transfer or acquisition of joint ownership.

57.—Canal Officer may fix rent for a village-channel transferred.

58.—Ownership of village-channel.

59.—Obligations and rights of owner of village-channel.

60.—If owner of village-channel fails to execute work or make repairs, Canal Officer may execute them on his behalf.

61.—Registration of ownership.

62.—Owner may transfer interest.

63.—Procedure on death of owner of village-channel.

64.—Procedure when any person applies for registration in lieu of deceased owner.

65.—Interest of owners equal, unless unequal interests registered.

66.—Person other than owner may have supply of water through village-channel under certain conditions.

67.—Canal officer may authorize supply.

68.—Canal officer to fix a sum as rent of village-channel.

69.—Owner of a village-channel receiving supply through another village-channel.

70.—Instalments in which rent is payable.

71.—Canal officer not to pay more than amount actually collected as rent.

72.—Land acquired for a village-channel may not be used for other purpose.

73.—Dues how to be recovered.

PART VI.

Supply of Water.

74.—Water to be supplied on written application only.

75.—Written permission to be given.

76.—Rules to be subject to certain conditions.

Power to stop water-supply.

Claims to compensation in case of failure or stoppage of supply.
Claims on account of interruption from other causes.
Duration of supply.
Sale or sub-letting of right to use canal water.
77.—Canal officer may supply water for purposes other than those of irrigation.

PART VII.

WATER-RATES.

78.—Charge for water how determined.
79.—Liability when person using water unauthorizedly cannot be identified.
80.—Liability when water runs to waste.
81.—Charges recoverable in addition to penalties.
82.—Power to contract for collection of canal dues.
83.—Sums payable under this part deemed to be rent.
84.—Person who distrains may be called on to produce account.
85.—Arrears of water-rate deemed to be demands under Bengal Act VII of 1868.
86.—Sections eighty-two to eighty-five do not apply to fines.

PART VIII.

JURISDICTION.

87.—Settlement of disputes as to mutual rights and liabilities of persons interested in village-channel.
88.—Dispute as to shares and payments.
89.—Order passed by Collector and Canal Officer to remain in force until set aside by Civil Court.
90.—Jurisdiction as to suits arising out of powers of distraint.
91.—Appeal and supervision.
92.—Power to summon and examine witnesses.

PART IX.

OFFENCES AND PENALTIES.

93.—Offences under the Act.
Penalty.
94.—Further offences.
Penalty.
95.—Obstruction to be removed and damage repaired.
96.—Persons employed on canal may take offenders into custody.
97.—Saving of prosecution under other laws.
98.—Compensation to person injured.

PART X.

RULES.

99.—Power to make, alter, and cancel rules.
Publication of rules.
THREE SCHEDULES.

ACT No. III OF 1876.

(*Received the assent of the Lieutenant-Governor on the 22nd December* 1875, *and of the Governor-General on the 24th March* 1876.)

An Act to provide for Irrigation in the Provinces subject to the Lieutenant-Governor of Bengal.

Preamble.

WHEREAS it is necessary to make provision for the construction, maintenance, and regulation of canals, for the supply of water therefrom, and for the levy of rates for water so supplied, in the provinces subject to the Lieutenant-Governor of Bengal; It is hereby enacted :—

PART I.

PRELIMINARY.

Short title.

1. This Act may be called "The Bengal Irrigation Act, 1876."

Local extent and commencement.

It shall take effect in those districts in the provinces subject to the Lieutenant-Governor of Bengal, to which the said Lieutenant-Governor shall extend it by an order published in the *Calcutta Gazette;* and shall commence on the day which shall be in such order provided for the commencement thereof.

The Act has been extended to the districts of Shahabad, Patna, Gya, Midnapore, Hooghly, and Cuttack.—*Calcutta Gazette*, 1876, p. 454

Repeal of Acts.

2. The enactments specified in Schedule A hereto annexed are repealed to the extent mentioned in the third column of the said schedule.

Interpretation clause.

3. In this Act—unless there be something repugnant in the subject or context—

"Canal."

(i) "Canal" includes—

(*a*) all canals, channels, and reservoirs hitherto constructed, maintained, or controlled by Government for the supply or storage of water, or which may hereafter be so constructed, maintained or controlled;

(*b*) all works, embankments, structures, supply and escape-channels connected with such canals, channels, or reservoirs;

(*c*) all village-channels as defined in clause (ii) of this section;

(*d*) all drainage-works as defined in clause (iii) of this section;

(*e*) any part of a river, stream, lake, natural collection of water, or natural drainage-channel, to which the Lieutenant-Governor has applied the

provisions of Part II of this Act, or of which the water has been applied or used for the passing of this Act for the purpose of any existing canal;

(*f*) all lands on the banks of any canal as defined in articles (*a*), (*b*), (*c*), (*d*), and (*e*), of this clause, which have been acquired by Government;

"Village-channel."

(ii) "Village-channel" means any channel by which water is led from a canal directly into the fields to be irrigated, and includes all subsidiary works connected with any such channel, except the sluice or outlet through which water is supplied from a canal to such channel.

"Drainage-work."

(iii) "Drainage-work" means any work in connection with a system of irrigation which has been or may hereafter be made or improved by the Government for the purposes of the drainage of the country, whether under the provisions of Part IV of this Act or otherwise, and includes escape-channels from a canal, dams, weirs, embankments, sluices, groins, and other works connected therewith, but does not include works for the removal of sewage from towns.

"Flood-embankment."

(iv) "Flood-embankment" means any embankment constructed or maintained by the officers of Government in connection with any system of irrigation works for the protection of lands from inundation, or which may be declared by the Lieutenant-Governor to be maintained in connection with any such system; and includes all groins, spurs, dams, and other protective works connected with such embankments.

"Collector."

(v) "Collector" means the head Revenue Officer of a district, and includes any officer appointed by the Lieutenant-Governor to exercise all or any of the powers of a Collector under this Act.

"Court."

(vi) "Court" means, in the Regulation Provinces, a principal Civil Court of Original Jurisdiction,

and in the Non-Regulation Provinces, the Court of a Commissioner of a Division,

unless when the Lieutenant-Governor has appointed (as he is hereby empowered to do), either specially for any case, or generally within any specified local limits, a judicial officer to perform the functions of a judge under this Act, and then the expression Court means the Court of such officer.

"Canal Officer."

(vii) "Canal Officer" means an officer appointed under this Act to exercise control or jurisdiction over a canal or any part thereof; and includes every officer to whom any of the functions of a Canal Officer under this Act have been assigned by the Lieutenant-Governor.

"Section." (viii) "Section" means a section of this Act.

(ix) "Owner" includes every person having a joint interest in the ownership of the thing specified; and all rights and obligations which attach to an owner under the provisions of this Act shall attach jointly and severally to every person having such joint interest in the ownership.

"Owner."

Bengal Embankment Act not applicable to canals.

4. Nothing contained in the Bengal Embankment Act, 1873, shall apply to any canal or flood-embankment as defined in this Act.

Power to appoint officers.

5. The Lieutenant-Governor may from time to time declare, by notification in the *Calcutta Gazette*, the officers by whom, and the local limits within which, all or any of the powers or duties hereinafter conferred or imposed shall be exercised or performed.

PART II.

Application of water for Public Purposes.

Notification to issue when water-supply is to be applied for public purposes.

6. Whenever it appears expedient to the Lieutenant-Governor that the water of any river or stream flowing in a natural channel, or of any lake or other natural collection of still water, should be applied or used by the Government for the purpose of any existing or projected canal;

the Lieutenant-Governor may, by notification in the *Calcutta Gazette*, declare that the said water will be so applied or used after a day to be named in the said notification, not being earlier than three months from the date thereof.

Powers of Canal Officer.

7. At any time after the day so named, any Canal Officer, acting under the orders of the Lieutenant-Governor in this behalf, may enter on any land and remove any obstructions, and may close any channels, and do any other thing necessary for such application or use of the said water.

Notice as to claims for compensation.

8. As soon as is practicable, after the issue of such notification, the Collector shall cause public notice to be given at convenient places stating that the Government intends to apply or use the said water as aforesaid, and that claims for compensation in respect of the matters mentioned in section eleven may be made before him.

A copy of sections eleven, twelve, and thirteen, shall be annexed to every such notice.

Contents of notice.

9. When any claim for compensation is made before the Collector in accordance with the last preceding section, the Collector shall issue a notice requiring all persons interested in the matter in respect of which compensation is claimed, to appear personally or by agent before him at a time and place therein mentioned (such time not being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the property affected, and the amount and particulars of their claims to compensation for such interests.

Notice to occupier.

The Collector shall also serve notice to the same effect on the occupier (if any) of the land entered on, and on such persons known or believed to be interested in the matter in respect of which compensation is claimed, or to be entitled to act for persons so interested, as reside within his district.

Power to require statements as to name and interests.

10. The Collector may also require any person on whom a notice may be served under the last preceding section, and who makes a claim for compensation in accordance therewith, to deliver to him a statement containing, so far as may be practicable, the name of every other person possessing any interest in the property affected or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant, or otherwise, and of the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for the year next preceding the date of the statement.

Penalty for failure to comply.

If any person shall fail to comply within the time fixed by the notice with a requisition made under this section, the Collector may impose upon him such daily fine as he may think fit, not exceeding fifty rupees; and such fine shall be payable daily until the requisition is complied with, and the Collector may proceed from time to time to levy the amount which has become due in respect of any such fine, notwithstanding that an appeal against the order imposing such fine may be pending;

Provided that whenever the amount levied under any such order shall have exceeded five hundred rupees, the Collector shall report the case specially to the Commissioner, and no further levy in respect of such fine shall be made otherwise than by authority of the Commissioner.

Persons required to make statements to be deemed legally bound to do so.

Every person required to make or deliver a statement under this section shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.

Damage for which compensation shall not be awarded.

11. No compensation shall be awarded for any damage caused by—

(*a*) stoppage or diminution of percolation or floods;

(*b*) deterioration of climate or soil;

(*c*) stoppage of navigation, or of the means of rafting timber or watering cattle.

Matters in respect of which compensation may be awarded.

But compensation may be awarded in respect of any of the following matters:—

(*d*) stoppage or diminution of supply of water through any natural channel to any defined artificial channel, whether above or underground, in use at the date of the issue of the notification under section six:

(*e*) stoppage or diminution of supply of water to any work erected for purposes of profit on any channel, whether natural or artificial, in use at the date of the said notification:

(*f*) stoppage or diminution of supply of water through any natural channel which has been used for purposes of irrigation within the five years next before the date of the said notification:

(*g*) damage done in respect of any right to a water-course or the use of any water to which any person is entitled under the *Indian Limitation Act, 1877, Part IV:

(*h*) any other substantial damage, not falling under any of the above clauses (*a*), (*b*), or (*c*), and caused by the exercise of the powers conferred by this Act, which is capable of being ascertained and estimated at the time of awarding such compensation.

Compensation for loss of tolls lawfully levied.

Notwithstanding anything contained in clause (*c*), compensation may be awarded in respect of the loss of any tolls which were lawfully levied on any river or channel at the time of the issue of the notification mentioned in section six.

Diminution in market-value to be considered.

In determining the amount of compensation under this section, regard shall be had to the diminution in the market-value, at the time of awarding compensation, of the property in respect of which compensation is claimed; and where such market-value is not ascertainable, the amount shall be reckoned at twelve times the amount of the diminution of the annual net profits of such property, caused by the exercise of the powers conferred by this Act.

* Act No. XV of 1877, section 2, para. 2.

No right to any such supply of water as is referred to in clauses (*d*), (*e*), or (*f*) of this section, in respect of a work or channel not in use at the date of the notification, shall be acquired as against the Government, except by grant or under the *Indian Limitation Act, 1877, Part IV.

Compensation for loss of drinking-water.

12. If any supply of drinking-water is substantially deteriorated or diminished by any works undertaken in accordance with a declaration made by the Lieutenant-Governor under section six, the Canal Officer shall be bound to provide within convenient distance an adequate supply of good drinking-water in lieu of that so deteriorated or diminished, and no person shall be entitled to claim any further compensation in respect of the said deterioration or diminution.

Limitation of claims.

13. No claim for compensation for any such stoppage, diminution, or damage shall be entertained after the expiration of six months from such stoppage, diminution, or damage, unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period.

Enquiry into claim and tender of compensation.

14. On the day fixed in the notice mentioned in section nine, the Collector shall proceed to enquire summarily into the claim and to determine the amount of compensation which in his opinion should be allowed therefor, and shall tender such amount to the persons interested who have attended in pursuance of the notice given under section nine.

Power to summon witnesses.

For the purpose of such inquiry, the Collector shall have power to summon and enforce the attendance of witnesses and to compel the production of documents by the same means and, as far as may be, in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure.

Postponement of enquiry.

15. The Collector may, if no claimant attends pursuant to the notice, or if for any other cause he thinks fit, from time to time, postpone the inquiry to a day to be fixed by him.

Award in case of compensation being agreed on.

16. If the Collector and the persons interested agree as to the amount of compensation to be allowed, the Collector shall make an award under his hand for the same.

Award to be filed and to be evidence.

Such award shall be filed in the Collector's office, and shall be conclusive, as between the Collector and the persons interested, of the value of the said property and the amount of compensation allowed for the same.

* Act No XV of 1877, section 2, para. 2.

17. If the Collector and the persons interested do not agree as to the amount of compensation to be allowed, or if upon the said inquiry any question respecting the title to the property of which the value has been diminished, or any right thereto, or interest therein arises between or among two or more persons making conflicting claims in respect thereof, the Collector shall refer the matter to the determination of the Court in manner hereinafter provided.

Collector to refer the matter to Court when compensation not accepted as sufficient.

18. If, when the Collector proceeds to make the inquiry as mentioned in sections fourteen and fifteen, no claimant attends, or if any person whom the Collector has reason to think interested does not attend, the Collector shall hold a proceeding and record the following particulars:—

Collector to record certain particulars in certain cases.

(*a*) the nature and extent of the property of which the value has been diminished and in respect of which compensation is claimed, and the character and extent of the damage done;

(*b*) the names of the persons whom he has reason to think interested in such property;

(*c*) the amount fixed by him as compensation; and

(*d*) the grounds on which such amount was determined;

and shall place the amount so fixed by him in deposit, there to be held on account of the persons interested, and shall issue a notice to the persons believed to be interested, informing them that the said amount has been deposited as required by this section, and that should no application be made to the Court (as provided in the next succeeding section) within six weeks of the issue of the notice on the last of the persons named therein, the Collector will pay the amount to any persons legally authorized to receive and to give an acquittance for the same.

And to place the amount of compensation in deposit.

19. Any person on whom notice may be served under the last preceding section, and any person interested in any property in respect of which such notice has been issued, may, within six weeks of the service of such notice, apply to the Court stating his objection to the amount of compensation as fixed by the Collector under the last preceding section, and the amount which he claims as compensation. On receipt of such application the Court shall proceed to determine the amount of compensation to be paid on account of the claim and all other matters, as if a reference had been made to it under section seventeen.

Objections may be made to the amount of compensation fixed by the Collector.

Procedure in making a reference under section seventeen.

20. In making a reference under section seventeen the Collector shall state, for the information of the Court, the particulars mentioned in section eighteen.

Procedure on receipt of a reference under section seventeen.

21. On receipt of a reference under section seventeen the Court shall proceed, as far as may be practicable, in accordance with sections 19 to 23 (inclusive), and sections 26 to 36 (inclusive), of the Land Acquisition Act, 1870.

Provided that instead of the last clause of the said section 26 the following shall be read: "The provisions of this section and of section eleven of the Bengal Irrigation Act, 1876, shall be read to every assessor in a language which he understands, before he gives opinion as to the amount of compensation to be awarded."

Particulars of apportionment to be specified.

22. Where there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, whether such award be made by the Collector or by the Court, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

Disputes as to apportionment.

23. When the amount of compensation has been settled under section sixteen, if any dispute arises as to the apportionment of the same or any part thereof, the Collector shall refer such dispute to the decision of the Court.

Costs.

All costs entailed by such a reference, and the proceedings of the Court thereon, shall be paid by the parties who dispute the apportionment of the compensation in such proportions as the Court may direct, and the Collector shall not be required to disburse any such costs, nor shall any such costs be recovered from the Collector.

Determination of proportions.

24. When the amount of compensation has been settled by the Court, and there is any dispute as to the apportionment thereof, or when a reference to the Court has been made under the last preceding section, the Judge sitting alone shall decide the proportions in which the persons interested are entitled to share in such amount.

Appeal.

An appeal shall lie from every such decision to the High Court, unless the Judge whose decision is appealed from is not the District Judge, in which case the appeal shall lie, in the first instance, to the District Judge.

Every appeal under this section shall be presented within the time and in the manner provided by the Code of Civil Procedure for regular appeals in suits.

25. Payment of the compensation shall be made by the Collector in accordance with the award made by him under section sixteen; or the proceeding held by him under section eighteen, if no application be made to the Court as provided by section nineteen; or the award made by the Court or the decision of the Judge under section twenty-one; or, in the case of an appeal under section twenty-four, in accordance with the decision in appeal, as the case may be.

Payment of compensation.

26. The amount of compensation fixed by any award, proceeding, or decision, as specified in the last preceding section, shall be deemed to be the full amount payable by the Government in respect of the claim dealt with therein; and the Government shall not be liable for any further claim to any person whatever in respect of any matter which was the subject of such award, proceeding, or decision; nor shall any such claim be made against the Government in respect of the payment of any portion of such compensation in accordance with any award, proceeding, or decision as aforesaid, or in accordance with any decision of the Judge, or of the District Judge, or of the High Court in appeal, as the case may be, under section twenty-four; and no suit shall be brought to set aside an award or decision under this Act.

Government not liable to any further claim

27. Nothing contained in the last preceding section shall affect the liability of any person who may receive the whole or any part of any compensation awarded under this Act to pay the same to the person lawfully entitled thereto.

Liability of person receiving compensation not affected.

28. Every tenant holding under an unexpired lease, or having a right of occupancy, who is in occupation of any land at the time when any stoppage or diminution of the supply, in respect of which compensation is allowed under section eleven, takes place, may claim an abatement of the rent previously payable by him for the said land, on the ground that the interruption reduces the value of the holding; provided that no part of the said compensation shall have been received by the said tenant in respect of such reduction in the value of his holding.

Abatement of rent on interruption of water-supply.

29. If a water-supply increasing the value of such holding is afterwards restored to the said land otherwise than at the cost of the tenant, the rent of the tenant may be enhanced, in respect of the increased value of such land due to the restored water-supply, to an amount not exceeding that at which it stood immediately before the abatement.

Enhancement of rent on restoration of water-supply.

Such enhancement shall be on account only of the restored water-supply, and shall not affect the liability of the tenant to enhancement of rent on any other grounds.

30. All sums of money payable for compensation under this Part shall become due three months after the claim for such compensation is made in respect of the stoppage, diminution, or damage complained of, and simple interest at the rate of six per centum per annum shall be allowed on any such sum remaining unpaid after the said three months, except where the non-payment of such sum is caused by the wilful neglect or refusal of the claimant to receive the same.

Compensation when due.
Interest.

Provided that the Collector may at any time invest the whole or any portion of the amount payable as compensation under this Act in any Government securities, and such securities shall be held by the Collector for the benefit of the persons interested, and the persons interested shall be bound to receive such securities with any interest which may have accrued upon them as full payment of the sum which the Collector paid for such securities, and of any sum which he may have paid as expenses incurred in purchasing the same, and of any interest which might otherwise have accrued on such sums.

Collector may invest amount deposited or awarded in Government securities.

31. No compensation shall be claimable under this Act in respect of any works executed before it came into force, or of any damage, injury, or loss caused by such works.

Compensation not claimable in respect of works executed before Act came into force.

32. Service of any notice under this Part shall be made by delivering or tendering a copy thereof signed by the officer therein mentioned.

Service of notice.

Whenever it may be practicable, the service of the notice shall be made on the person therein named.

When such person cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business; and if such person has no ordinary place of residence within the district, service of any notice may be made by sending copy of such notice by post in a registered cover addressed to such person at his usual place of residence.

PART III.

Maintenance of Canals.

33. Whenever it shall be necessary to make any inquiry or examination in connection with a projected canal or with the maintenance of an existing canal, or with a projected flood-embankment, or with the maintenance of an existing flood-embank-

Entry for inquiry.

ment, any Canal Officer or other person acting under the general or special orders of a Canal Officer, may enter upon such lands as he may think necessary for the purpose, and may exercise all powers and do all things in respect of such lands as he might exercise and do if the Government had issued a notification under the provisions of section 4 of the Land Acquisition Act, 1870, to the effect that land in that locality is likely to be needed for a public purpose; and may set up and maintain water-gauges, and do all other things necessary for the prosecution of such enquiry and examination.

Power to inspect and regulate water-supply.

34. Such Canal Officer or other person may also enter upon any land, building, or village-channel on account of which any water-rate is chargeable, for the purpose of inspecting or regulating the use of the water supplied, or of measuring the lands irrigated thereby or chargeable with a water-rate, and of doing all things necessary for the proper regulation and management of the canal from which such water is supplied.

Power to enter for repairs, and to prevent accidents.

35. In case of any accident being apprehended or happening to a canal or flood-embankment, any Canal Officer, or any person acting under his general or special orders in this behalf, may enter upon any lands adjacent to such canal or flood-embankment, and may execute all works which may be necessary for the purpose of preventing such accident, or repairing any damage done.

Notice to occupier of building, &c.

36. When such Canal Officer or person proposes, under the provisions of either of the three last preceding sections, to enter into any building or enclosed court or garden attached to a dwelling-house not supplied with water flowing from any canal, and not being adjacent to a flood-embankment, he shall previously give to the occupier of such building, court, or garden such reasonable notice as the urgency of the case may allow.

Compensation for damage to land.

37. In every case of entry upon any land or building under section seven, section thirty-three, section thirty-four, or section thirty-five, the Canal Officer or person making the entry shall ascertain and record the nature of any crop, tree, building, or other property, to which damage has been done, and the extent of the damage done to any such property, and shall tender compensation to the proprietors or occupiers for all damage done to the same by the entry or by any works executed. If such tender is not accepted, the Canal Officer shall refer the matter to the Collector, who shall thereupon give notice in writing to the person interested in such land and to the Canal Officer, requiring

them to attend before him, on a date to be fixed in the notice, for the purpose of making inquiry as to the amount of compensation.

Appeal from Collector's decision to Commissioner.

38. After such inquiry as he may think necessary, the Collector shall decide the amount of compensation payable; and such decision shall be subject to an appeal to the Commissioner of the Division; provided that such appeal be presented to the Commissioner, or to the Collector for transmission to the Commissioner, within thirty days of the decision appealed against.

If no such appeal be preferred, the decision of the Collector, or if such appeal be preferred, the decision of the Commissioner, shall be final and conclusive.

Government to provide means of crossing canals and of drainage.

39. Suitable means of crossing canals constructed or maintained at the cost of Government shall be provided at such places as the Lieutenant-Governor thinks necessary for the reasonable convenience of the inhabitants of the adjacent lands; and suitable bridges, culverts, or other works shall be constructed to prevent the drainage of the adjacent lands being obstructed by any canal.

Collector to certify to the Government that means of crossing canals and drainage have been provided.

On the completion of any canal, or of any convenient section of any canal, the Collector, after causing such inspection to be made as may be necessary, shall certify to the Government that suitable and sufficient means of crossing the canal, and suitable and sufficient means of drainage, as aforesaid, have been provided; or shall report in what respects the provision made for the above purposes is defective; and if, at any time after he shall have given such certificate, it shall be brought to his notice that the provision made as above has proved insufficient, the Collector shall cause inquiry to be made into the circumstances of the case, and if the statement is established, shall report his opinion thereon for the consideration of the Lieutenant-Governor, and the Lieutenant-Governor shall cause such measures in reference thereto to be taken as he thinks proper.

PART IV.

DRAINAGE.

Lieutenant-Governor may prohibit formation of obstructions within certain limits.

40. Whenever it appears to the Lieutenant-Governor that injury to the public health or public convenience, or to any canal, or to any land for which irrigation from a canal is available, has arisen or may arise from the obstruction of any river, stream, or natural drainage-course, the Lieutenant-Governor may, by notification published in the *Calcutta Gazette*,

prohibit, within limits to be defined in such notification, the formation of any such obstruction, or may, within such limits, order the removal or other modification of such obstruction.

Thereupon so much of the said river, stream, or natural drainage-channel as is comprised within such limits shall be held to be a drainage-work as defined in section three.

Canal Officer may issue notice to person causing obstructions.

41. The Canal Officer or other person authorized by the Lieutenant-Governor in that behalf may, after such publication issue an order to the person causing or having control over any such obstruction, to remove or modify the same within a time to be fixed in the order.

Canal Officer may cause obstructions to be removed.

42. If, within the time so fixed, such person does not comply with the order, the Canal Officer may cause the obstruction to be removed or modified; and if the person to whom the order was issued does not, when called upon, pay the expenses of such removal or modification, such expenses shall be recoverable as a demand under the provisions of section 1, Bengal Act VII of 1868 (*an Act to make further provision for the recovery of arrears of land revenue and public demands recoverable as arrears of revenue*).

When drainage works are necessary, Lieutenant-Governor may order a scheme to be drawn up and carried out.

43. Whenever it appears to the Lieutenant-Governor that any drainage works are necessary for the public health, or for the improvement or proper cultivation or irrigation of any lands in districts to which the provisions of the Bengal Embankment Act, 1873, do not apply, or that protection from floods or other accumulations of water, or from erosion by a river, is required for any lands,

the Lieutenant-Governor may cause a scheme for such works to be drawn up and carried into execution, and the persons authorized by the Lieutenant-Governor to draw up and execute such scheme may exercise in connection therewith all or any of the powers conferred on Canal Officers by sections thirty-three, thirty-four, and thirty-five, and shall be liable to any or all of the obligations imposed upon Canal Officers by sections thirty-six and thirty-seven.

Disposal of claims to compensation.

44. Whenever, in pursuance of a notification made under section forty, any obstruction is removed or modified,

or whenever any drainage-work is carried out under the last preceding section,

all claims for compensation on account of any loss consequent on the removal or modification of the said obstruction or the construction of such

work may be made before the Collector, and he shall deal with the same in the manner provided in Part II; but no compensation shall be allowed for any damage arising from increase of percolation.

Limitation of such claims.

45. No such claim shall be entertained after the expiration of six months from the occurrence of the loss complained of, unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period.

PART V.

VILLAGE-CHANNELS.

Definition of "Person."

46. "Person" in this Part includes any number of persons acting jointly.

Register of village-channels to be kept.

47. The Canal Officer shall keep a register of all village-channels, whether already existing or constructed under this Act, and shall note thereon in respect of every village-channel whether it is a public channel maintained at the cost of the Government, or a private channel maintained at the cost of the owners; and shall register the names of the owners of every such private channel.

Extension or branch of village-channel to be registered.

A village-channel made as an extension of, or a branch to, an existing village-channel shall be registered as a separate village-channel; and so much of the length of any village-channel as lies within the limits of any one village or mouzah shall be entered on the register as a separate village-channel. Every section of a village-channel so separately entered on the register shall be deemed to be a separate village-channel in respect of all rights and liabilities imposed by this Act.

Canal Officer may register as one village-channel a section including portions lying within two or more villages.

Provided always that whenever it shall seem fit to the Canal Officer for any special reason to enter upon his register as one village-channel a section of a village-channel which includes portions lying within two or more villages or mouzahs, the Canal Officer may, with the consent of the Collector obtained in writing, register such section as one village-channel, and such section shall be deemed to be one village-channel in respect of all rights and liabilities imposed by this Act.

Any person may acquire an existing village-channel by agreement.

48. Any person may, with the consent of the Canal Officer, acquire the property in an existing village-channel for the purpose of improving or maintaining it—

(*a*) by taking over any village-channel belonging to Government;

(*b*) by transfer of a village-channel from the owner thereof by private agreement.

49. Any person may, with the permission of a Canal Officer, construct a new village-channel if he has obtained the consent of the owners and occupiers of the land required therefor.

Any person may construct a new village-channel with consent of owners or occupiers.

50. Any person desiring the construction of a new village-channel, but being unable or unwilling to construct it under a private arrangement with the owners and occupiers of the land affected, as mentioned in the last preceding section, may apply in writing to the Canal Officer stating

Any person may construct a new village-channel by applying to Canal Officer.

that he desires the said Canal Officer, in his behalf and at his cost, to do all things necessary for constructing such village-channel;

that he is ready to defray all costs necessary for acquiring the land and constructing such village-channel.

51. If the Canal Officer considers the construction of such village-channel expedient, he may call upon the applicant to deposit any part of the expense such Officer may consider necessary, and upon such deposit being made, shall cause inquiry to be made into the most suitable alignment for the said village-channel, and shall mark out the land which, in his opinion, it will be necessary to occupy for the construction thereof,

Procedure when Canal Officer considers construction of village-channel expedient.

and shall forthwith publish a notification in every village through which the village-channel is proposed to be taken, that so much of such land as is situated within such village has been so marked out,

and shall send a copy of such notification to the Collector of every district in which any part of such land is known to be situate for publication on such land.

Such notification shall also call upon any person who wishes to be admitted a joint owner of such village-channel to make his application in that respect within thirty days of the publication of such notification. If any such applicant appears, and his application is admitted, he shall be liable to pay his share in the construction of such village-channel and in the cost of acquiring such land, and shall be an owner of such village-channel when constructed.

Person wishing to be joint owner must make his application within thirty days.

52. On receipt of copy of such notification, the Collector shall proceed to acquire such land under the provisions of the Land Acquisition Act, 1870, as if a declaration had been issued by the Government for the acquisition thereof under section 6 of that

Collector to acquire land.

Act, and as if the Government had thereupon directed the Collector to take order for the acquisition of such land under section 7 of the said Act, and (if necessary) as if the Government had issued orders for summary possession being taken under section 17 of the said Act.

Procedure after construction of village-channel.

53. On being put in possession of the land the Canal Officer shall construct the required village-channel; and on its completion shall give to the applicant notice thereof, and of any sum payable by him on account of the cost of acquiring the land and constructing the village-channel. On such notice being given, such sum shall be due from the applicant to the Canal Officer. On receipt of payment in full of all expenses incurred, the Canal Officer shall make over possession of such village-channel to such applicant.

Canal Officer may direct transfer of a village-channel.

54. Whenever a Canal Officer considers that the transfer of a village-channel from the owner is necessary for the proper management of the irrigation from such village-channel, he may cause a notice to be served on the registered owner to appear on a certain day, not less than fifteen days after service of notice, and to prefer any objection to such transfer. After hearing such objection, the Canal Officer may order that such village-channel shall be transferred to such person as he may think fit, and that such person be registered as owner of the said village-channel:

Provided that no person shall be registered as the owner of a village-channel under this section, unless he has expressed in writing his willingness to be so registered, and until he has paid to the Canal Officer such sum as may be fixed by the Canal Officer under section fifty-six.

Any person may apply to be admitted joint owner of an existing village-channel.

55. Any person wishing to become the joint owner of an existing village-channel may petition the Canal Officer to that effect, and on receipt of such petition the Canal Officer may, if he think fit, issue a notice as provided in the last preceding section upon the registered owner, and after hearing any objection which the registered owner may prefer against the admission of such applicant to be a joint owner, may direct that the applicant shall be registered as such joint owner.

Canal Officer to determine compensation to be paid for transfer or acquisition of joint ownership.

56. When deciding the question of transfer or of admission to joint ownership under either of the two last preceding sections, the Canal Officer shall also determine what amount shall be paid—

as the costs of the proceedings;

as compensation to the previous owners;

and the amount so determined shall be due by the transferee or the person admitted to registry as a joint owner, as the case may be; and

on payment of such amount, the village-channel shall be transferred, or the applicant shall be registered as owner or as a joint owner thereof, as the case may be.

Canal Officer may fix rent for a village-channel transferred.

57. Instead of awarding payment of compensation under the last preceding section, the Canal Officer may fix an amount of rent to be paid annually to the previous owners by the persons to whom the village-channel is transferred.

Ownership of village-channel.

58. Every person

(*a*) acquiring a village-channel as provided in section forty-eight ; or

(*b*) constructing a village-channel as provided in section forty-nine ; or

(*c*) receiving possession of a village-channel as provided in section fifty-three ; or

(*d*) acquiring a village-channel by transfer, as provided in section fifty-four ; or

(*e*) being admitted to registration as joint owner in a village-channel, as provided in section fifty-five,

shall be deemed to be an owner of such village-channel.

Obligations and rights of owner of village-channel.

59. Every owner of a village-channel shall be bound—

(*a*) to construct and maintain all works necessary for the passage across such village-channel of canals, village-channels, drainage-channels, and public roads existing at the time of its construction, and of the drainage intercepted by it, and for affording proper communications across it for the convenience of the occupants of neighbouring lands ;

(*b*) to maintain such village-channel in a fit state of repair for the conveyance of water ;

(*c*) to allow the use of it to others on such terms as may be declared equitable by the Canal Officer as hereinafter prescribed ;

and shall be entitled—

(*d*) to have a supply of water by such village-channel at such rates and on such terms as are prescribed by the rules made by the Lieutenant-Governor under section ninety-nine ;

(*e*) to receive such rent for the use of the village-channel by other persons as the Canal Officer may award him.

If owner of village-channel fails to execute work or make repairs, Canal Officer may execute them on his behalf.

60. If the owner of a village-channel fails to fulfil the obligations mentioned in clauses (*a*) and (*b*) of the last preceding section, the Canal Officer may require him by notice to execute the necessary works or repairs within a period not being less than fifteen days, and in the event of

failure, may execute them on his behalf; and all expenses incurred by the execution of such works or repairs shall be a sum due by such owner to Government; and if any such owner who has already failed on one occasion to execute such works or repairs when required to do so, and has left them to be executed on his behalf by the Canal Officer, shall again fail to execute any such works or repairs when required to do so; or if any such owner shall refuse in any respect to fulfil the obligation mentioned in clause (*c*) of the last preceding section, after having been required to fulfil the same by a notice in writing from the Canal Officer, the Canal Officer may strike such village-channel off the register, and so disqualify it to be any longer a medium for the conveyance of canal water.

Resignation of ownership.

61. Any owner may resign his interest in a village-channel, provided such resignation be duly registered in the office of the Canal Officer.

Owner may transfer interest.

62. Any owner of a village-channel may, with the consent of the Canal Officer, transfer his interest to any other person, provided that the liabilities of the person so transferring shall not cease till such transfer is registered in the office of the Canal Officer.

Procedure on death of owner of village-channel.

63. If any owner of a village-channel dies, his legal representative may apply for registration in his stead. If no such application for registry be made within six weeks from the death of the said owner, the remaining registered owners of the village-channel, if any, shall be deemed to be owners of the entire interest in the village-channel, until some other person shall have established his claim to be registered as owner in place of the deceased. If the deceased shall have been the sole registered owner, the Canal Officer shall be deemed to be his representative for the purposes of this Part, and shall exercise all rights and be bound by all liabilities which attached to the deceased in respect of his ownership of the said village-channel, until some person shall have established his right to be registered as owner thereof in place of the deceased; and the Canal Officer shall account to such person for all sums received and expended in the exercise of the rights and discharge of the liabilities which attached to the deceased in respect of such ownership.

Procedure when any person applies for registration in lieu of deceased owner.

64. When any person applies for registration under the three last preceding sections, the Canal Officer shall serve notice on the other registered owners to prefer any objection to the resignation, transfer, or succession within fifteen days, and if no such objection shall be made, or if the objections made be deemed invalid, shall order such resignation, transfer, or succession to be registered.

65. All joint owners of a village-channel shall be held to have an equal interest in it, unless, with the permission of the Canal Officer, they register specific unequal interests.

Interest of owners equal, unless unequal interests registered.

66. Any person not an owner of a village-channel, desiring to have a supply of water through such village-channel, may make a private arrangement with the owners for the conveyance of water, or may apply to the Canal Officer for authority to use such village-channel.

Person other than owner may have supply of water through village-channel under certain conditions.

67. On receipt of such application, the Canal Officer shall serve notice on the owners to show cause why such permission should not be granted, and if no objection be raised, or if any objections be raised, and found invalid, shall authorize the conveyance of such supply on such conditions as may appear to him equitable.

Canal Officer may authorize supply.

68. The Canal Officer shall also fix a sum as rent to be paid for the use of such village-channel to the owner. Such rent may be in the form of a percentage on the water-rate of the person using the village-channel, or otherwise, as may be fixed by the Canal Officer.

Canal Officer to fix a sum as rent of village-channel.

69. The owner of a village-channel, which receives its water through another village-channel may, at the discretion of the Canal Officer, either be declared a joint owner of such other village-channel, or may be required to pay rent for the use of the same to the owner thereof, as provided in the last preceding section.

Owner of a village-channel receiving supply through another village-channel.

70. All rent payable under either of the two last preceding sections shall be deemed to be due in the same instalments and at the same periods as the water-rate is due, or in such other instalments and at such other dates as the Canal Officer may direct, and may be collected by the Canal Officer on behalf of the person entitled to it if the Canal Officer thinks fit.

Instalments in which rent is payable.

71. Any Canal Officer collecting rent under the last preceding section on behalf of any person entitled thereto, shall be bound to pay to the person entitled to the same no more than the amount actually collected by him as rent.

Canal Officer not to pay more than amount actually collected as rent.

72. No land acquired under this Part for a village-channel shall be used for any other purpose without the consent of the Canal Officer previously obtained.

Land acquired for a village-channel may not be used for other purpose.

73. Every sum declared to be due under this Part shall be recoverable by the Canal Officer on behalf of the Government or of the person entitled to receive the same, and shall be held to be a demand under the provisions of section 1 of the aforesaid Bengal Act VII of 1868, or any other similar Act for the time being in force.

Dues how to be recovered.

PART VI.

Supply of Water.

74. Every person desiring that water shall be supplied to his land from a canal, shall present a written application to that effect to the Canal Officer, in the form given in Schedule B hereto annexed, or in a similar form, binding himself by the rules made by the Lieutenant-Governor under the powers vested in him by this Act; and no person shall be liable to pay any rate or due whatever, on account of water supplied to his land with the permission of the Canal Officer, otherwise than on such application, nor shall water be supplied otherwise than on such application.

Water to be supplied on written application only.

75. If the application mentioned in the last preceding section be granted by the Canal Officer, the Canal Officer shall cause his permission to be recorded in the form given in Schedule C hereto annexed, or in some similar form, binding himself by the rules made by the Lieutenant-Governor as aforesaid.

Written permission to be given.

76. All rules made by the Lieutenant-Governor under section ninety-nine shall be consistent with the following conditions:—

Rules to be subject to certain conditions.

(*a*) The Canal Officer may not stop the supply of water to any village-channel, or to any person who is entitled to such supply, except in the following cases:—

Power to stop water-supply;

(i) whenever and so long as it is necessary to stop such supply for the purpose of executing any work ordered by competent authority;

(ii) whenever and so long as any village-channel is not maintained in such repair as to prevent the wasteful escape of water therefrom;

(iii) whenever and so long as it is necessary to do so in rotation to supply the legitimate demands of other persons entitled to water;

(iv) whenever and so long as it may be necessary to stop the supply in order to prevent the wastage or misuse of water.

(*b*) No claim shall be made against the Government for compensation in respect of loss caused by the failure or stoppage of the water in a canal, by reason of any cause beyond the control of the Government, or of any repairs, alterations,

Claims to compensation in case of failure or stoppage of supply;

or additions to the canal, or of any measures taken for regulating the proper flow of water therein, or for maintaining the established course of irrigation which the Canal Officer considers necessary; but the person suffering such loss shall be entitled to such remission of the ordinary charges payable for the use of the water as is authorized by the Lieutenant-Governor:

claims on account of interruption from other causes;

(*c*) If the supply of water to any land irrigated from a canal be interrupted otherwise than in the manner described in the last preceding clause, the occupier or owner of such land may present a petition for compensation to the Collector for any loss arising from such interruption, and the Collector shall award to the petitioner reasonable compensation for such loss:

duration of supply;

(*d*) When the water of a canal is supplied for the irrigation of a single crop, the permission to use such water shall be held to continue only until that crop comes to maturity, and to apply only to that crop; but if it be a supply for irrigating two or more crops to be raised on the same land within the year, such permission shall be held to continue for one year from the commencement of the irrigation, and to apply to such crops only as are matured within that year;

sale or sub-letting of right to use canal-water.

(*e*) No person entitled to use the water of any canal, or any work, building, or land appertaining to any canal, shall sell or sub-let or otherwise transfer his right to such use without the permission of the Canal Officer, but all contracts made between Government and the owner or occupier of any immoveable property, as to the supply of canal-water to such property, shall be transferable therewith, and shall be presumed to have been so transferred whenever a transfer of such property takes place.

Canal Officer may supply water for purposes other than those of irrigation.

77. On application being made for a supply of water to be used for purposes other than those of irrigation, the Canal Officer may give permission for water to be taken for such purposes under such special conditions and restrictions as to the limitation and control of the supply as he shall think proper to impose in each case.

PART VII.

WATER-RATES.

Charge for water how determined.

78. The rates to be charged for canal-water supplied for purposes of irrigation shall be determined by the Lieutenant-Governor, and all persons accepting the water shall pay for it accordingly.

79. If water supplied through a village-channel be used in an unauthorized manner, and if the person by whose act or neglect such use has occurred cannot be identified,

Liability when person using water unauthorizedly cannot be identified.

the persons on whose land such water has flowed, if such land has derived benefit therefrom,

or if no land has derived benefit therefrom, all the persons chargeable in respect of the water supplied through such village-channel in respect of the crop then on the ground,

shall be liable to the charges made for such use, as determined by the Lieutenant-Governor under section ninety-nine.

80. If water supplied through a village-channel be suffered to run to waste, and if, after enquiry by the Canal Officer, the person through whose act or neglect such water was suffered to run to waste cannot be discovered, all the persons chargeable in respect of the water supplied through such village-channel for the crop then on the ground shall be jointly liable for the charges made in respect of the water so wasted, as determined by the Lieutenant-Governor under section ninety-nine.

Liability when water runs to waste.

All questions arising under this and the last preceding section shall be decided by the Canal Officer, subject to the provisions of section ninety-one.

81. All charges for the unauthorized use or for waste of water shall be deemed to be water-rate due on the crop, and may be recovered as such water-rate in addition to any penalties incurred on account of such use or waste.

Charges recoverable in addition to penalties.

82. The Canal Officer may enter into an agreement with any person for the collection and payment to the Government by such person of any sum payable under this Act by a third party.

Power to contract for collection of canal dues.

83. Any sum lawfully due under this Part, either to the Government, or to any person who has entered into an agreement to collect dues for the Government and certified by the Canal Officer to be so due, shall be deemed to be rent payable on a pottah or engagement in respect of the land irrigated, and shall be recoverable as such by the person to whom it is payable.

Sums payable under this Part deemed to be rent.

Provided that the claim (if any) for rent in respect of such land shall have priority over any claim for arrears of water-rate so far as regards recovery of rent by the exercise of the power of distraint.

84. If any person distrains half or more than half of any crop on account of which water-rate is due, such person shall be bound, on requisition by the Canal Officer, to furnish him with an account showing how the produce thus

Person who distrains may be called on to produce account.

distrained has been appropriated in payment of such rent, and the Canal Officer shall be entitled to challenge such account before any Court competent to try suits for arrears of rent in respect of the land in question, and such Court, if it finds that the value of the crop distrained was in excess of the amount of rent which had been due for a period not longer than a year, together with the costs of the distraint, may require the distrainer to pay the water-rate due on such crop.

Arrears of water-rate deemed to be demands under Bengal Act VII of 1868.

85. Every arrear of water-rate which is due to Government, and every sum due to Government by any person on account of collections of water-rate, and every sum due to such person on account of water-rate and certified by the Canal Officer to be so due, shall also be held to be a demand under the provisions of section 1, of the aforesaid Bengal Act VII of 1868, and may be recovered as provided in that Act, together with the costs of executing the processes.

Sections eighty-two to eighty-five do not apply to fines.

86. Nothing in sections eighty-two to eighty-five (inclusive) applies to fines.

PART VIII.

JURISDICTION.

Settlement of disputes as to mutual rights and liabilities of persons interested in village-channel.

87. Whenever a dispute arises between two or more persons in regard to their mutual rights or liabilities in respect of the use, construction, or maintenance of a village-channel, any such person interested may apply in writing to the Canal Officer stating the matter in dispute. Such officer shall thereupon give notice to the other persons interested that, on a day to be named in such notice, he will proceed to enquire into the said matter, and, after such inquiry, he may pass his order thereon, or may transfer the matter to the Collector, who shall thereupon enquire into and pass his order on the said matter.

Dispute as to shares and payments.

88. Whenever any dispute arises among joint owners of a village-channel as to their shares of expense or as to the amounts severally contributed, or as to failure on the part of any owner to contribute his share, the matter may be decided after inquiry by the Canal Officer or Collector, as provided in the last preceding section.

Order passed by Collector and Canal Officer to remain in force until set aside by Civil Court.

89. Any order passed by the Collector, under either of the two last preceding sections, and, subject to the provisions of section ninety-one, any such order passed by a Canal Officer, shall remain in force until set aside by the decree of a Civil Court, and may be executed by any Canal Officer as if it were a decree of the Civil Court.

Jurisdiction as to suits arising out of powers of distraint.

90. All suits arising out of the exercise of the power of distraint for recovery of water-rates,

or out of any acts done under color of the exercise of the said power of distraint,

or by persons in receipt of the water-rates, against any agents employed by them in the collection of such water-rates, or the sureties of such agents for money received or for accounts kept by such agents in the course of such employment, or for papers in their possession,

shall be cognizable by the same Court or authority as would have jurisdiction, if such water-rates were rent due for the land irrigated.

Appeal and supervision.

91. Every order passed by a Canal Officer under Part V, Part VI, Part VII, or Part VIII of this Act, shall be appealable to the Collector, provided that the appeal be presented within thirty days of the date on which the Canal Officer made the order appealed against; and no appeal shall lie against any proceeding or order of the Collector under this Act, except as otherwise expressly provided in this Act, but all such proceedings and orders shall be subject to the supervision and control of the Commissioner of the Division and of the Board of Revenue, who may pass such order thereon as they may respectively think fit.

Power to summon and examine witnesses.

92. Any officer empowered under this Act to conduct any inquiry may exercise all such powers connected with the summoning and examining of witnesses, as are conferred on Civil Courts by the Code of Civil Procedure; and every such inquiry shall be deemed a judicial proceeding.

PART IX.

Offences and Penalties.

Offences under the Act.

93. Whoever, voluntarily and without proper authority, does any of the acts following, that is to say—

(1) damages, alters, enlarges, or obstructs any canal or drainage work;

(2) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over, or under any canal or drainage work, or by any means raises or lowers the level of the water in any canal or drainage work;

(3) being responsible for the maintenance of a village-channel, or using a village-channel, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the

authorized distribution of the water therefrom, or uses such water in an unauthorized manner;

(4) corrupts or fouls the water of any canal so as to render it less fit for the purposes for which it is ordinarily used;

(5) destroys, defaces, or moves any level mark or water-gauge fixed by the authority of a public servant;

(6) destroys or removes any apparatus, or part of any apparatus for controlling or regulating the flow of water in any canal or drainage-work;

(7) passes, or causes animals or vehicles to pass in or across any of the works, banks, or channels of a canal contrary to rules made under this Act, after he has been desired to desist therefrom;

(8) without the permission of the Canal Officer causes, or knowingly and wilfully permits any cattle to graze upon any flood-embankments, or tethers, or causes or knowingly and wilfully permits any cattle to be tethered upon any such embankments, or roots up any grass or other vegetation growing on any such embankments, or removes, cuts, or in any way injures or causes to be removed, cut, or otherwise injured any trees, bushes, grass, or hedge intended for the protection of such embankment;

(9) violates any rule made under this Act, for breach whereof a penalty may be incurred,

shall, in case the offence shall not amount to mischief within the meaning of the Indian Penal Code, and on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees, or to imprisonment for a term not exceeding one month, or to both.

Penalty.

Further offences.

94. Whoever, without the authority of the Canal Officer,

(1) pierces or cuts through, or attempts to pierce or cut through, or otherwise to damage, destroy, or endanger the stability of any flood embankment;

(2) opens, shuts, or obstructs, or attempts to open, shut, or obstruct, any sluice in any such embankment;

(3) makes any dam or other obstruction for the purpose of diverting or opposing the current of a river on the banks whereof are flood-embankments, or refuses or neglects to remove any such dam or obstruction when so required by the Canal Officer;

shall, in case the offence shall not amount to mischief within the meaning of the Indian Penal Code, and on conviction before a Magistrate, be liable to a fine not exceeding two hundred rupees, or to imprisonment for a term not exceeding six months.

Penalty.

95. Whenever any person is convicted of an offence under either of the last two preceding sections, the convicting Magistrate may order that he shall remove the obstruction or repair the damage in respect of which the conviction is held within a period to be fixed in such order. If such person neglects or refuses to obey such order within the fixed period, the Canal Officer may remove such obstruction, or repair such damage, and the cost of such removal or repair shall be levied from such person by the Collector as a demand under section 1 of the aforesaid Bengal Act VII of 1868.

Obstruction to be removed and damage repaired.

96. Any person in charge of or employed upon any canal, may remove from the lands or buildings belonging thereto, or may take into custody without a warrant, and take forthwith before a Magistrate or to the nearest police station, to be dealt with according to law, any person who within his view commits any of the following offences:

Persons employed on canal may take offenders into custody.

(1) wilfully damages or obstructs any canal;

(2) without proper authority interferes with the supply or flow of water in or from any canal or in any river or stream, so as to make dangerous or render less useful any canal.

97. Nothing herein contained shall prevent any person from being prosecuted under any other law for any offence punishable under this Act: provided that no person shall be punished twice for the same offence.

Saving of prosecution under other laws.

98. Whenever any person is fined for an offence under this Act, the Magistrate may direct that the whole or any part of such fine may be paid by way of compensation to any person injured by such offence, or to any person who gave information leading to the detection of such offence, or to the conviction of the offender.

Compensation to person injured.

PART X.

RULES.

99. The Lieutenant-Governor may from time to time make rules to regulate the following matters:—

Power to make, alter, and cancel rules.

(*a*) the proceedings of any officer who, under any provision of this Act, is required or empowered to take action in any matter;

(*b*) the cases in which, the officers to whom, and the conditions subject to which, orders and decisions given under any provision of this Act, and not expressly provided for as regards appeal, shall be appealable ;

(*c*) the person by whom, the time, place, or manner at or in which, anything for the doing of which provision is made in this Act, shall be done ;

(*d*) the amount of any charge made under this Act;

(*e*) and generally to carry out the provisions of this Act.

The Lieutenant-Governor may, from time to time, alter or cancel any rules so made.

Publication of rules.

Such rules, alterations, and cancelment shall be published in the *Calcutta Gazette*, and shall thereupon have the force of law.

Provided that no rules shall be made by the Lieutenant-Governor under the powers conferred on him by this section until a draft of the same shall have been published in the *Calcutta Gazette* for one month, after which time the Lieutenant-Governor may pass such rules as originally published, or with such alterations, additions, and omissions as he may think fit.

SCHEDULE A.

(*See section* 2.)

BENGAL ACTS REPEALED.

Number and year.	Subject.	Extent of Repeal.
VIII of 1867	Recovery of rates for water supplied by the East India Irrigation and Canal Company.	So much as has not been repealed.
VI of 1869	Recovery of rates for water supplied for purposes of irrigation.	The whole Act.

SCHEDULE B.

(*See section* 74.)

APPLICATION FOR WATER.

No.
Mouzah
Pergunnah
Canal
Village-channel
Name of owner of village-channel
Name of Applicant

I, the undersigned, hereby apply for water from the above-named village-channel for the fields and crops below detailed, and I engage to pay to the Canal Officer, or other person duly authorized to receive them, the water-rates as prescribed by the Lieutenant-Governor under the provisions of the Bengal Irrigation Act, and I further agree to abide by all the rules issued under that Act.

No. of field in Revenue Map.	Acreage of field.	Crop to be grown.

Signature or mark of Applicant.

*Date*_____

SCHEDULE C.

(*See section* 75.)

PERMISSION TO TAKE WATER.

No.

Permit of village to take water from

Canal

Village-channel

for the undermentioned fields and crops :—

No. of field.	Acreage of field.	Crops to be grown.	Water-rate due.	Date of payment.

Signature of Canal Officer.

*Date*_____

THE CALCUTTA MUNICIPAL CONSOLIDATION ACT, 1876.

CONTENTS.

PREAMBLE.

CHAPTER I.

SECTION.

1-3.—Preliminary.

CHAPTER II.

OF THE MUNICIPAL AUTHORITIES.

4-26.—Part I.—Of the constitution of the Corporation and the application of the Municipal Funds.
27-29.—Part II.—Of the duties of the Corporation.
30-41.—Part III.—Of the officers of the Corporation.
42-55.—Part IV.—Of the mode of transacting business and entering into contracts.
56-63.—Part V.—Of the estimates of income, expenditure, and audit.
64.—Part VI.—Of the fixing of rates.

CHAPTER III.

OF TAXES.

65-74.—Part I.—Of the tax on carriages and animals.
75-82.—Part II.—Of the tax on professions, trades, and callings.
83-87.—Part III.—Of the registration of carts.

CHAPTER IV.

OF RATES.

88-89.—Part I.—Of imposing the rates.
90-92.—Part II.—Of the owner's rates.
93-103.—Part III.—Of the occupier's rates.

CHAPTER V.

104-120.—Of the assessment of houses and land.

CHAPTER VI.

121-128.—Of levying the rates.

CHAPTER VII.

129-160.—Of the water-supply.

CHAPTER VIII.

161-166.—Of the police budget.

CHAPTER IX.

167-168.—Of the system of drainage for the town and its environs.

CHAPTER X.

169-178.—Of the registration of births and deaths.
179-188.—Of taking a census.

CHAPTER XI.

Of Conservancy and Improvement.

189-214.—Part I.—Of the streets.
215-234.—Part II.—Of the drains.
235-263.—Part III.—Of general conservancy.
264-279 —Part IV.—Of building regulations.
280-286.—Part V.—Of sanitary measures with regard to blocks of huts.

CHAPTER XII.

Of Sanitary Matters.

287-301.—Part I.—Of slaughter-houses, food, drink, drugs, and offensive trades.
302-310.—Part II.—Of burial and burning grounds.

CHAPTER XIII.

311-322.—Of markets.

CHAPTER XIV.

Of the General Powers of the Commissioners.

323-326.—Part I.—Of rights of entry.
327-329.—Part II.—Of the purchase and sale of land.
330-332.—Part III.—Of railways.
333.—Part IV.—Of hospitals.

CHAPTER XV.

334-339.—Of the municipal debt.

CHAPTER XVI.

340-345.—Of bye-laws.

CHAPTER XVII.

346-352.—Of prosecutions.

CHAPTER XVIII.

353-356.—Of the recovery of damages and expenses.

CHAPTER XIX.

357-376.—Miscellaneous.
Ten Schedules.

ACT No. IV OF 1876.

(Received the assent of the Lieutenant-Governor on the 25th March 1876, and of the Governor-General on the 6th April 1876.)

An Act to consolidate and amend the law relating to the Municipal affairs of Calcutta.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the municipal affairs of the Town of Calcutta; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be cited as "The Calcutta Municipal Consolidation Act, 1876."

Commencement.

And it shall come into force on such date as the Local Government may direct, not being more than three months after the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

The Act came into force on the 1st July 1876—*Calcutta Gazette*, 1876, p. 397.

Enactments repealed.

2. The enactments specified in the tenth schedule are hereby repealed to the extent mentioned in the third column thereof.

This repeal shall not revive any office, authority, or thing abolished by any such enactment, or affect the validity of anything done or suffered, or any right, title, obligation, or liability accrued before the commencement of this Act.

And all rules prescribed, assessments, valuations, measurements, divisions and appointments made, powers conferred, and notifications published under any such enactment, and all other rules (if any) now in force and relating to the matters hereinafter dealt with, shall (so far as they are consistent with this Act) be deemed to have been respectively prescribed, made, conferred, and published hereunder.

And all references made to any such enactment shall, as far as may be practicable, be deemed to be made to this Act.

And all proceedings now pending, which may have been commenced under any such enactment, shall be deemed to be commenced under this Act.

In respect to all the matters aforesaid, the Commissioners under this Act shall be substituted for the Justices of the Peace for the Town of Calcutta.

Interpretation clause.

3. In this Act—unless there be something repugnant in the subject or context—

"Animal."

"Animal" means a horse, pony, mule, or bullock.

"Bazar."

"Bazar" means any place of trade, where there is a collection of shops and warehouses, and any place where a market is held.

"Carriage."

"Carriage" means any wheeled vehicle with springs used for the conveyance of human beings.

"Cart."

"Cart" means any cart, hackery, or wheeled vehicle with or without springs, not included in the definition of carriage.

"Chapter."

"Chapter" means Chapter of this Act.

"Chairman."

"Chairman" means the Chairman of the Commissioners of the Town of Calcutta.

"Commissioner of Police."

"Commissioner of Police" means the officer so styled and appointed under section 4 of the Calcutta Police Act, 1866, or under any other Act for the time being in force for regulating the Police of the Town of Calcutta.

"Court of Small Causes."

"Court of Small Causes" means the Court of Small Causes for the time being established by law in Calcutta.

"Drug."

"Drug" includes medicine for internal or external use.

"House."

"House" includes any hut, building, or shed.

"Immoveable property." "Land."

"Immoveable property" and "land" respectively mean land, benefits to arise out of land, any thing attached to the earth, or permanently fastened to anything attached to the earth.

"Moveable property."

"Moveable property" means property of every description, except immoveable property.

"Local Government."

"Local Government" means the Lieutenant-Governor of Bengal for the time being, or the person acting in that capacity.

"Owner."

"Owner" includes—

(*a*) the person entitled for the time being to receive the rent of the land in respect of which the word is used;

(*b*) an agent of such person;

(*c*) a trustee for such person.

But no such agent or trustee shall be liable to do anything required by this Act to be done by the owner, nor shall he be subject to any fine for omitting to do such thing, unless he have sufficient funds in his hands, as such agent or trustee, to do such thing.

"Police Force" means the Police Force as constituted under section 8 of the Calcutta Police Act, 1866, or under any other Act for the time being in force for regulating the Police of the Town of Calcutta.

"Police Force"

"Public Street" means any road, street, square, court, alley, or passage, whether a thoroughfare or not, over which the public have a right of way, and also the roadway over any public bridge or causeway, and also the footway and drains attached to any street, public bridge (other than the Hooghly Bridge), or causeway within the Town.

"Public Street."

"Street" means any road, street, square, court, alley, or passage, not included in the definition of public street.

"Street"

"Railway" includes a tramway.

"Railway."

"Schedule" means schedule annexed to this Act.

"Schedule."

"Section" means section of this Act.

"Section."

"Slaughter-house" means any place used for the slaughter of cows, or bullocks, or sheep, or goats, or pigs, or kids, for the purpose of selling the same as meat.

"Slaughter-house."

"The Suburbs" mean the Suburbs of Calcutta as defined by the Lieutenant-Governor of Bengal by notification in the *Calcutta Gazette*, under the provisions of *Act III of 1864 of the Lieutenant-Governor of Bengal in Council, or of any other Act for the time being in force.

"The Suburbs."

"The Commissioners" means the "Corporation of the Town of Calcutta."

"The Commissioners."

"The Town" includes all places within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Fort William in Bengal, but not

"The Town"

(*a*) Fort William;

(*b*) The Esplanade; or

(*c*) Coolie Bazar, now called Hastings, except such portion as is bounded on the north by Clyde Row, on the south by Tolly's

* Bengal Act V of 1876, section 2, para 1.

Nullah, on the east by the road leading from Kidderpore Bridge to Clyde Row, and on the west by the Strand Road.

CHAPTER II.

OF THE MUNICIPAL AUTHORITIES.

PART I.—*Of the Constitution of the Corporation and the application of the Municipal Fund.*

Constitution of Corporation.

4. The Commissioners of the Town of Calcutta shall consist of seventy-two members, to be appointed or elected as hereinafter provided, and shall, by the name of "The Corporation of the Town of Calcutta," be a body corporate, and have perpetual succession and a common seal, and by such name shall sue and be sued.

The aforesaid number of seventy-two shall not include the Chairman or the Vice-Chairman of the Commissioners, in the event of those two officers not being appointed or elected Commissioners under this Act, but in such case the said Chairman and Vice-Chairman shall be *ex-officio* Commissioners.

The said seventy-two members shall be male persons resident within the Town or the Suburbs, who have attained the age of twenty-one years.

Property to vest in Commissioners for the purposes of this Act.

5. All property, moveable and immoveable, and all interest of whatsoever nature and kind therein now vested in or held in trust for the Justices of the Peace for the Town of Calcutta, with all rights of whatsoever description now used, enjoyed, or possessed by the said Justices, shall become vested in the Commissioners for the purposes of this Act.

Number of Commissioners to be appointed by Government.

6. Of the said seventy-two members, twenty-four shall be appointed by the local Government immediately after the result of the election hereinafter mentioned shall have been published, and such appointment shall take effect from the date on which such election takes place.

Number of Commissioners to be elected.

7. The remaining forty-eight members shall be elected as hereinafter provided by male persons resident within the Town or Suburbs, who shall have attained the age of twenty-one years.

Voter when entitled to vote in one ward.

8. Any person qualified as aforesaid, who shall have paid, on his own behalf and not otherwise, to the Commissioners on or before the fifteenth day of January, in the year in which the election takes place, any of the rates mentioned in Chapter IV, assessed on land or masonry buildings, or taxes mentioned in Parts I and II of Chapter III, or any of the said rates and taxes for the next preceding year,

to the aggregate amount of not less than twenty-five rupees, may, if not entitled to vote in more wards than one under the next succeeding section, vote in one only of the wards mentioned in section thirteen, and may choose the ward in which he resides, or in which his place of business is situated, or in which any of the said land or masonry buildings is situated.

Voter when entitled to vote in more than one ward.

9. Any person qualified as aforesaid, who shall have paid, on his own behalf and not otherwise, to the Commissioners on or before the fifteenth day of January, in the year in which the election takes place, any of the rates mentioned in Chapter IV, assessed on land or masonry buildings for the next preceding year on account of land or masonry buildings situated in more than one of the said wards, shall be entitled to vote in each ward in which he shall have been a rate-payer to the extent of twenty-five rupees; and no such person shall be entitled to vote on account of any taxes paid under Parts I and II of Chapter III.

The word "land" in this and the last preceding section does not include huts erected on land.

Vote of a company.

10. Any company registered under the "Indian Companies' Act, 1866," which has paid any of the said rates or taxes, or rates and taxes, to the aggregate amount of not less than twenty-five rupees on the date and for the period and in the manner mentioned in section eight, shall be entitled to one vote in the ward in which the place of business of the said company is situated, and such vote shall be given by the Secretary of the Company, or some other person duly authorized in that behalf.

Qualification of elected Commissioners.

11. Every male person shall be qualified for election as a member of the Corporation who shall have severally paid, on his own behalf and not otherwise, to the Commissioners on or before the fifteenth day of January, in the year in which the election takes place, any of the rates mentioned in Chapter IV, or taxes mentioned in Parts I and II of Chapter III, or any of the said rates and taxes for the next preceding year, to the aggregate amount of not less than fifty rupees.

Provided that no officer of the Corporation shall be qualified for election as a member of the Corporation so long as he shall remain in the employ of the Commissioners, except the Chairman and Vice-Chairman as hereinbefore provided.

Qualification of members of a joint family or firm.

12. Where the aggregate amount of rates or taxes, or of rates and taxes, paid by a joint undivided family, or by two or more partners in any trade or business, or by the joint

occupiers of any house or land, under Chapter IV, or under Parts I and II of Chapter III, on the date and for the period and in the manner aforesaid, is not less than one hundred rupees, any one member of such family, or any one of such partners or joint occupiers, may, if otherwise qualified, be eligible for election as a member of the said Corporation.

If the majority of the members of such joint family, or of such partners, or of such joint occupiers, agree to select one of their number, the person so selected shall be eligible for election under this section. But if the majority do not so agree, the Chairman shall decide which of the said members, partners, or joint occupiers is so eligible, and such decision shall be final and conclusive.

For the purpose of election, the Town to be divided into wards.

13. For the purpose of the aforesaid election of Commissioners, the Town shall be divided into eighteen wards, the boundaries of which are defined in the first schedule.

The first, second, third, fourth, eleventh, and eighteenth of the wards described in the said schedule may each elect two Commissioners, and the remaining wards may each elect three Commissioners.

Every person qualified to vote as hereinbefore provided may vote for as many candidates as there are Commissioners to be elected in the ward or wards allotted to such person under section eighteen, and may give all or any of the votes which he is entitled to give in any one ward to any candidate in that ward.

If ward fails to elect, local Government may appoint.

14. If the rate or tax-payers of any ward shall fail to elect the number of Commissioners allotted to such ward under the last preceding section, the local Government shall, in place of such election, appoint one or more Commissioners to complete the number so allotted as aforesaid.

Procedure if a person is elected a Commissioner in more than one ward.

15. If any person is elected a Commissioner for more than one of the said wards, he shall, within five days of the date of the election, choose, or; in default thereof, the Chairman shall forthwith declare, the ward for which such person shall serve ; and such person shall thereupon be held to be elected in that ward only which he shall so choose, or which the Chairman shall so declare ; and thereupon the rate and tax-payers of the other ward or wards in which the said person has been elected a Commissioner shall forthwith proceed to elect another Commissioner in the manner provided by this Act.

Procedure in case of equality of votes.

16. Where an equality of votes is found to exist between any two candidates at any election under this Act, and the addition of a vote would entitle any of such candidates to be

elected a Commissioner, the Chairman may give such additional vote, and the candidate to whom such additional vote has been given shall thereupon be held to be elected a Commissioner.

Time and manner of election.

17. The first election shall take place at any time, not being less than two, or more than three, months from the commencement of this Act; and until such election has taken place, and until the appointment of members by the local Government takes effect under section six, this Act shall be read as if all the Justices of the Peace for the Town of Calcutta had been respectively appointed or elected Commissioners under this Act.

All subsequent elections, not being elections under section twenty-three, shall take place on the expiration of three years from the date of the previous election.

Votes at all elections shall be rendered by means of voting papers.

The local Government may, from time to time, make rules, not being inconsistent with this Act, for the purpose of regulating all matters connected with such elections, and may, at any time, cancel or modify any of the said rules, and the result of all elections shall be published in the *Calcutta Gazette.*

The Local Government may declare the penalties which shall be incurred by the breach of any such rule, and any person committing a breach of any such rule shall be liable to the penalty so declared: provided that no higher penalty shall be incurred by the breach of any such rule than a fine of fifty rupees.

The expenses of all elections under this Act shall be paid out of the Municipal Fund.

Registration of voters and persons qualified to be elected.

18. Any person qualified to vote at an election, or to be elected as a Commissioner, may, at any time, not being less than six weeks or more than three months before the election takes place, apply personally or by letter to the Chairman of the Commissioners for registration of his name as such voter or person qualified as aforesaid, and shall, at the same time, if he is entitled to vote in one ward only, name the ward in which he wishes to vote; and if he is entitled to vote in more than one ward, name the wards in which he is entitled to vote.

On receipt of such application, the Chairman shall, if he is satisfied that such person is qualified to vote, or to be elected as aforesaid, enter the name of such applicant in a list, and shall allot to him the ward or wards which he may have named as aforesaid; and no person whose name is not entered

in such list at the time of the election shall be qualified to vote, or to be elected as a Commissioner.

If the applicant shall omit to name a ward as aforesaid, the Chairman shall allot to him such ward as to the Chairman may seem fit; and if the applicant shall omit to name the wards as aforesaid, the Chairman shall allot to him the wards in which he is entitled to vote.

Publication of list.

19. As soon as possible after the commencement of this Act, and subsequently, from time to time, on any date or dates not less than one month before the election (not being an election under section twenty-three) takes place, the list mentioned in the last preceding section shall be printed and affixed by the Chairman of the Commissioners in some conspicuous place in or near his office, and at the police station of each of the said wards, or at some conspicuous place in each of the said wards; and the Chairman shall forthwith give notice of such publication in one English and one Vernacular newspaper published within the Town, and the said list shall be open to public inspection at all reasonable times of the day for fifteen days after the date of the publication of such notice.

The Chairman shall be at liberty at any time to revise the said list for the purpose of removing therefrom the name of any person not duly qualified and erroneously entered therein, or of recording the name of any person duly qualified and erroneously omitted therefrom.

Appeal from decision of Chairman.

20. Any person qualified to vote at an election, or to be elected, whose name is omitted from the list referred to in the last preceding section, may, in case the Chairman shall refuse to insert his name in such list, apply to a stipendiary Magistrate of Police for the Town of Calcutta, within eight days after such refusal, for an order to have his name inserted in such list, and such Magistrate shall, after enquiry, make such order as to the insertion or omission of the name of the applicant as shall be just; and such order, if it directs the insertion of the name of the applicant in such list, shall be forthwith obeyed by the Chairman. The order of such Magistrate made under this section shall not be appealable.

Erroneous omission or entry does not affect election.

21. No election shall be deemed to be invalid, or shall be in any way affected by reason of the name of any person duly qualified as aforesaid being omitted from the said list, or by reason of the name of any person not duly qualified as aforesaid being inserted therein; and no election shall be deemed to be invalid by reason only of any defect of form in the conduct thereof.

BENGAL SECRETARIAT

22. The members of the said Corporation shall be appointed or elected respectively for a term of three years. At the expiration of the term for which the members of the said Corporation may be appointed or elected respectively, they shall cease to be members of the said Corporation, but shall be eligible to be again appointed or elected members of the said Corporation for a further term or terms :

Term for which members to be appointed or elected.

Provided that the said term of three years shall be held to include any period which may elapse between the expiration of the said three years and the date of the next subsequent election, not being an election under the next succeeding section.

23. No person shall be qualified to be, or continue to be, a member of the said Corporation who is or becomes at the time, or during the term of his appointment or election, a bankrupt or insolvent, or who is interested (otherwise than a shareholder in a joint stock company) in any contract with the Corporation ; and no person who is absent from Calcutta for six months consecutively, or who shall be sentenced to imprisonment, shall be qualified to continue to be such member.

Disqualification of members.

In case of the death, resignation, or disqualification as aforesaid of any member of the said Corporation, his successor shall be forthwith appointed or elected in the manner hereinbefore provided, and such successor shall remain a member of the said Corporation for the residue only of the term for which the member so dead, resigned, or disqualified was originally appointed or elected :

Successors how appointed.

Provided that no act of the Commissioners or their officers, or of the Commissioners in meeting, shall be deemed to be invalid by reason only that the number of the Commissioners did not amount to seventy-two at the date of the performance of such act.

24. Whoever, being qualified to vote, or claiming to be qualified to vote, at any election under this Act, accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person, any gratification whatever, as a motive or reward for giving or forbearing to give his vote in any such election, shall be liable to a fine not exceeding one hundred rupees for every such offence, and shall for ever be disqualified from voting at any such election, and from being elected a member of the said Corporation.

Penalty for taking bribe.

And whoever, by any gift or reward, or by any promise, agreement, or security for any gift or reward, corrupts or procures, or offers to corrupt or procure, any person to give or

Penalty for giving bribe.

forbear to give his vote in any such election, shall be liable to a fine not exceeding five hundred rupees for every such offence, and shall for ever be disqualified from voting at any such election, and from being elected a member of the said Corporation.

Application of municipal property and funds.

25. All property vested in the Corporation, and all funds received or raised by them in accordance with the provisions of this Act, shall be applicable to the purposes expressly authorized by this Act.

Objects to which municipal property and funds shall be applicable.

26. The purposes expressly authorized by this Act shall be held to include the objects connected with the public safety, health, and convenience hereinafter specified; that is to say:—

Public Safety.

(1) Defraying the cost of the police who may be employed for the security of life and property within the Town, in the manner and to the extent mentioned in Chapter VIII.

(2) Provision for lighting the public streets, places, and buildings, and for the securing or removal of dangerous places, buildings, and trades.

Public Health.

(1) Defraying the cost of the maintenance of hospitals and of charges of vaccination, registration of births, deaths, and marriages, and taking a census.

(2) Construction and maintenance of public markets and slaughter-houses, latrines, privies, depôts for the deposit or discharge of night-soil, urinals, drains, sewers, drainage-works, water-works, bathing-ghâts, drinking-fountains, tanks, wells, squares and gardens, reclamation of unhealthy localities, and the like.

(3) Cleansing and watering of streets, sewers, scavenging, removal of noxious vegetation, and generally the abatement of all nuisances.

(4) Regulation of offensive trades, and burial and burning grounds, and the removal of and providing sites for the same.

Public Convenience.

(1) Construction, maintenance, and alteration of streets, bridges, causeways, culverts, and the like; regulation of buildings, naming streets and numbering houses, planting trees, and removal of obstructions and projections.

(2) Erection and maintenance of public halls, offices, police stations, lock-ups, and other buildings under the control of the Corporation, or required for municipal or police purposes.

(3) Survey of houses and preparation of plans.

And generally all objects connected with the public safety, health, and convenience.

PART II.—*Of the duties of the Corporation.*

Duties of Commissioners.

27. It shall be the duty of the Commissioners, and they are hereby required to—

(1) provide for the payment of the interest on the municipal debt in the manner prescribed by section three hundred and thirty-seven;

(2) provide for the establishment of a reserve fund in the manner prescribed by the said section;

(3) provide such funds as may be necessary for the maintenance of the police in the manner and to the extent mentioned in Chapter VIII;

(4) complete and extend throughout the Town the new underground drainage works now under construction, and for that purpose to expend annually a sum, being not less than one lakh and a half of rupees, or, with the sanction of the local Government, any sum less than the above amount, to be raised as provided by section three hundred and thirty-four;

(5) maintain a water-supply in the manner and to the extent mentioned in Chapter VII;

(6) make adequate and suitable provision for the cleaning and the conservancy of the Town, and to provide such funds as may be necessary for that purpose.

If Commissioners fail in their duty, local Government may appoint a Commission.

28. If it shall appear to the local Government that the Commissioners have failed to make adequate and suitable provision for the cleaning and the conservancy of the Town to an extent likely to be prejudicial to the health of the inhabitants of the Town, or of any part thereof, the local Government may, by notification in the *Calcutta Gazette*, appoint a Commission, consisting of three persons, of whom one shall be the Sanitary Commissioner for Bengal, or the Senior Medical Officer of the Presidency, the second shall be appointed by the Commissioners in meeting within thirty days of the date of the said notification, or in their default, by the local Government, and the third by the local Government; and the local Government shall order the members of the said Commission to report within a certain time, to be fixed by the local Government, whether they are of opinion that the cleaning and the conservancy of the Town are defective to an extent likely to be prejudicial to the health of the inhabitants of the Town, or of any part thereof, and, if they shall be of such opinion, to specify in their report what further provision should be made for the cleaning and the

conservancy of the Town up to the end of the year then current, or of the year next succeeding, as may be directed by the local Government, and to submit an estimate of the cost of the said further provision.

In default of Commissioners, local Government may carry out recommendation contained in report of the Commission.

29. On receipt of the said report, the local Government shall forward the same for the consideration of the Commissioners, and if the Commissioners shall decline to carry out the provisions recommended therein, the local Government may order that such provisions, or any of them, or any portion of them respectively, be carried out; and thereupon it shall be the duty of the Commissioners to comply with such order, and to provide the funds mentioned in the said estimate, or such portion thereof as the local Government may fix; and the Chairman shall forthwith carry out such order, and shall defray the cost of carrying out the same from the Municipal Fund, notwithstanding any power conferred on the Commissioners by section fifty-three, or anything to the contrary contained in any other provision of this Act:

Provided that, if there is a difference of opinion among the members of the said Commission, the opinion and report of the majority of the said members shall be held to be the opinion and report of the Commission.

PART III.—*Of the Officers of the Corporation.*

Appointment and removal of Chairman of the Commissioners.

30. The local Government shall from time to time appoint a proper person to be Chairman of the Commissioners. Such Chairman may be removed from office by the local Government if his removal be recommended by a resolution in favor of which not less than two-thirds of the Commissioners present at a special general meeting of the Commissioners shall have voted, but not otherwise.

Appointment of Vice-Chairman.

31. The Commissioners, at a special general meeting to be held for that purpose, may from time to time appoint, for such period as they may think fit, a proper person to be Vice-Chairman of the Commissioners.

Such appointment shall be subject to the approval of the local Government.

Appointment of Secretary, Engineer, Surveyor, Health Officer, Collector of Taxes, and Assessor.

32. The Commissioners may, at a special general meeting, from time to time, appoint proper persons, for such period as they may think fit, to the several offices of Secretary, of Engineer, of Surveyor, of Health Officer, of Collector of Taxes, and of Assessor for the Town, or may appoint a proper person to two or more of such appointments, or to one.

Every person so appointed, and also the Vice-Chairman, shall reside within the Town, and shall in all things be under the immediate orders of the Chairman, and shall perform such duties as shall be assigned by him, and may be removed by the Commissioners by a resolution in favor of which not less than two-thirds of the Commissioners present at a special general meeting shall have voted, and another person may be appointed in his place.

All appointments and resolutions under this section shall be subject to the approval of the local Government.

Chairman and Vice-Chairman to reside in Calcutta, and not to engage in any other profession or trade.

33. The Chairman and Vice-Chairman shall reside within the Town, and each of them shall devote his whole time to the duties of his office; and no Chairman or Vice-Chairman shall have or engage in any other profession, trade, or business whatsoever:

Provided that—

(*a*) Any Civil or Military Officer in the service of the Government may hold the office of Chairman or Vice-Chairman, so long as such officer shall fill no other appointment than those specified in this section.

(*b*) The Chairman may also hold the office of Commissioner of Police, or of Commissioner as interpreted in section 1 of Bengal Act No. V of 1870 (*to appoint Commissioners for making Improvements in the Port of Calcutta*); and may perform such other duties as the local Government may from time to time assign to the Commissioner of Police.

(*c*) The Chairman may also be a member of the Council of the Lieutenant-Governor of Bengal for making Laws and Regulations.

(*d*) The Vice-Chairman may, with the sanction of the local Government, be appointed to and may hold any other office in the employ of the Commissioners to which he may be appointed at a special general meeting.

Allowances of Chairman and Vice-Chairman.

34. The Chairman and the Vice-Chairman respectively may receive such allowances out of the Municipal Fund as shall be from time to time fixed by the Commissioners at a special general meeting.

Such allowance shall not exceed—

(*a*) for the Chairman three thousand rupees a month (exclusive of house-rent, which may or may not, in the discretion of the Commissioners, be allowed):

(*b*) for the Vice-Chairman twelve hundred rupees a month.

All resolutions passed by the Commissioners under this section shall be subject to the approval of the local Government.

Salaries of Secretary, Engineer, &c.

35. Every Secretary, Engineer, Surveyor, Health Officer, Collector of Taxes, and Assessor, appointed as hereinbefore provided, may receive such allowance out of the Municipal Fund as shall be from time to time fixed by the Commissioners at a special general meeting.

All resolutions passed by the Commissioners under this section shall be subject to the approval of the local Government.

Appointment and remuneration of Overseers, Clerks, and Subordinate Officers.

36. The Chairman may from time to time appoint all such Overseers, Clerks, Subordinate Officers, and servants as he shall think necessary and proper to assist in carrying out this Act, and may from time to time remove any of such persons and appoint others in their place;

and may, with the sanction of the Commissioners in meeting, other than an ordinary meeting, pay out of the Municipal Fund such allowances to the said persons respectively, or in case of absence on leave, such portion thereof as he shall think reasonable; provided that the allowances of the offices filled by the said persons shall have been sanctioned in meeting, other than an ordinary meeting.

But no person shall be appointed to, or removed from, any office, the monthly salary of which exceeds two hundred rupees, without the sanction of the Commissioners in meeting, other than an ordinary meeting.

Commissioners to grant leave of absence, &c., with sanction of Government.

37. The Commissioners may in meeting, other than an ordinary meeting, with the sanction of the local Government, grant such leave of absence to the Chairman or any officer appointed under sections thirty-one and thirty-two, and may, if such officer be other than the Chairman, make such arrangements for carrying on the duties of his office during his absence on leave as shall to them seem proper.

In any case in which leave of absence shall be granted to the Chairman, the local Government shall appoint one of the Commissioners to act as Chairman in his place, or shall make such other arrangements for carrying on the duties of the office as to it shall seem proper.

Any person appointed under this section to act for the Chairman or any other officer shall, while so acting, have all the powers and be liable to all the restrictions, limitations, and provisions, which the Chairman or other officer for whom he may be appointed to act would, under this Act, have or be liable to.

Allowances during absence on leave.

38. In any case in which leave of absence shall be granted under the last preceding section, the Commissioners may in meeting, other than an ordinary meeting, by a resolution in favor of which not less than two-thirds of the Commissioners present at the meeting shall have voted, with the sanction of the local Government, out of the Municipal Fund, pay to the Chairman or other officer aforesaid such allowance during absence on leave as shall to them seem proper.

Commissioners may make rules for pensions and gratuities to their officers and servants.

39. The Commissioners may in meeting, other than an ordinary meeting, by a resolution in favor of which not less than two-thirds of the Commissioners present at such meeting shall have voted, from time to time make rules for pensions and gratuities to be granted, and to be paid out of the Municipal Fund, to their officers and servants, and may repeal, alter, or add to such rules.

No rule, and no repeal, or alteration of, or addition to any rule, shall have effect until the same has been confirmed by the local Government and published in the *Calcutta Gazette.*

The Commissioners may in meeting, other than an ordinary meeting, from time to time, in accordance with such rules for the time being in force, grant such pensions or gratuities to any of their officers or servants as to the Commissioners may seem fit.

Officers, &c., not to be interested in contracts made with the Commissioners.

40. No Chairman or Vice-Chairman, or other officer or servant of the Commissioners, shall be interested directly or indirectly in any contract made with the Commissioners, and if any such person be so interested, he shall become incapable of continuing in office or in employment as such Chairman, Vice-Chairman, or other officer or servant, and shall forfeit and pay the sum of five hundred rupees, which may be recovered by suit brought by or on behalf of the Commissioners :

Provided that no person shall, by reason of being a shareholder in, or a member of any incorporated or registered Company, be deemed interested in any contract entered into between such Company and the Commissioners.

Penalty on officers, &c., taking unauthorized fees.

41. If any person employed under this Act (not being a public servant within the meaning of section 21 of the Indian Penal Code) shall accept or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act;

or for showing or forbearing to show, in the exercise of his official functions, favor or disfavor to any person, or for rendering or attempting to render any service or disservice to any person, with the Commissioners or with any public servant, or with the Government as such, he shall be punished with imprisonment, either simple or rigorous as provided in section 53 of the Indian Penal Code, for a term which may extend to three years, or with a fine not exceeding five thousand rupees, or with both.

PART IV.—*Of the Mode of transacting Business and entering into Contracts.*

Commissioners to provide an office and keep a book for entry of complaints.

42. The Commissioners shall provide and keep an office within the Town, and shall at such office, and during all days of business, keep open a book in which shall be entered all reasonable complaints made, orally or by letter, by any inhabitant, or the owner or occupier of any house or land within the Town, of any matter cognizable by the Commissioners;

and the proper officer of the Commissioners shall forthwith inquire into the truth of all such complaints, and report thereon to the Commissioners; and such report shall be entered in the said book, and such book shall be open, at all reasonable times, to any inhabitant, or owner, or occupier of any house or land within the Town.

Time for holding quarterly and ordinary meetings.

43. There shall be four quarterly meetings in every year, and one ordinary meeting in every month, at which the Commissioners shall meet for the transaction of general business.

The quarterly meeting shall be held in the months of January, April, July, and October, or in any month to which the quarterly meetings first called for the months of January, April, July, and October may be adjourned; and the ordinary meetings at such dates as the Commissioners in meeting may from time to time direct:

Provided that no ordinary meeting need be called if there be no business to be laid before it by the Chairman or by any of the Commissioners.

Business at ordinary and quarterly meetings.

44. The Commissioners shall, from time to time, as occasion may require, at a special meeting to be convened for that purpose, or at some adjournment thereof, fix and determine the kind of business that may be transacted at the said ordinary and quarterly meetings: and no business, save such kind of business, shall be transacted at such meetings.

But the Chairman may postpone the discussion of any question that may be raised at any such meeting, and refer the determination thereof to a

special or special general meeting to be convened within fourteen days thereafter.

Special and special general meetings may be called.

45. The Chairman or, in his absence, the Vice-Chairman, may, whenever he thinks fit, and shall, upon a requisition made in writing by any ten Commissioners, call a special or special general meeting of the Commissioners.

Previous to any such meeting, at least five days' clear notice, specifying the time and place of such intended meeting, and the purpose for which it is to be held, shall be given by advertisement in at least two of the daily newspapers published within the Town.

What business to be transacted at special and special general meetings.

46. No business shall be brought before, or transacted at, any special or special general meeting other than the business specified in the notice given under the last preceding section :

Provided that any Commissioner may submit to a special or special general meeting any resolution beyond the matters mentioned in the notice given of such meeting, if he shall have given not less than two clear days' previous notice of his intention so to do, by leaving a copy of the resolution at the office of the Commissioners.

All questions to be decided at meetings by majority of votes.

47. All acts authorized or required to be done by the Commissioners, and all questions which may come before them for decision, shall, save as is herein otherwise provided, be done and decided by a majority of the Commissioners present at the meeting before which the matter may be brought.

Who to preside at meetings.

48. The Chairman and Vice-Chairman shall attend all meetings of the Commissioners held under this Act, unless prevented by sickness or other reasonable cause ; and the Chairman or, in his absence, the Vice-Chairman, shall preside at every such meeting, and shall have a second or casting vote in all cases of equality of votes.

In the absence of both the Chairman and Vice-Chairman, the Commissioners present at any meeting shall choose some one of their number to preside, who shall, in case of equality of votes, have a second or casting vote.

The President of any meeting at which a quorum of the Commissioners shall be present, may, with the consent of the meeting, adjourn the meeting from time to time, and from place to place; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which such adjournment took place.

49. No business shall be transacted at any meeting unless a quorum of Commissioners be present at such meeting, that is to say :—

What shall constitute quorum.

(*a*) At an ordinary meeting at least six.

(*b*) At a special meeting at least nine.

(*c*) At a special general, or quarterly meeting, at least eighteen.

Provided that, if at any meeting there shall not be a sufficient number of Commissioners present to form a quorum as above mentioned, the President (whether he be the Chairman or not) shall adjourn the meeting to such convenient time and place as he shall think fit; and the business which should have been brought before the original meeting, had there been a quorum present, shall be brought before and disposed of by the adjourned meeting in the usual manner, whether there be a quorum present at such adjourned meeting or not.

Provided also that no business shall be brought before an adjourned special general or quarterly meeting, unless there are at least ten Commissioners present at such adjourned meeting.

50. Minutes of the proceedings of all meetings shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the President after each meeting; and minutes of each meeting shall be laid on the table at the next subsequent meeting, and the said minutes shall, at all reasonable times, be open at the office of the Commissioners to the inspection of any Commissioner without charge, and of any other person on payment of a fee of eight annas.

Minutes of proceedings of meetings to be kept, and to be open for inspection.

51. At any special, general, or quarterly meeting, unless a poll be demanded by at least five Commissioners, and at any special or ordinary meeting, unless a poll be demanded by at least three Commissioners, a declaration by the President that a resolution has been carried, and an entry to that effect in the book of proceedings of the Commissioners, shall, for the purposes of this Act, be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favor of or against such resolution.

Declaration by President that a resolution has been carried.

52. If a poll be demanded as in the last preceding section mentioned, the votes of all the Commissioners present who desire to vote shall be taken under the direction of the President, and the result of such poll shall be deemed to be the resolution of the Commissioners at such meeting.

Poll how to be taken.

53. The Chairman or Vice-Chairman shall, except upon such holidays as shall be allowed by the Government, and unless prevented by sickness or other reasonable cause, attend daily at the office of the Commissioners for the transaction of business connected with or arising under this Act, and, when so attending, shall have all the powers vested by this Act in the Commissioners; and they may respectively exercise the like powers at all times in carrying out the orders of the Commissioner or in executing any work sanctioned by them, and generally in the management of the business aforesaid:

Chairman or Vice-Chairman to attend daily for the transaction of business, and to exercise the powers of the Commissioners.

provided that no Chairman or Vice-Chairman shall act in opposition to, or contravention of, any order of the Commissioners, or exercise any power which by this Act is directed to be exercised only by the Commissioners in meeting.

54. The Commissioners may enter into and perform all such contracts as may be necessary for carrying this Act into effect.

Mode of contracting by, and on behalf of, the Commissioners.

Every contract made on behalf of the Commissioners in respect of any sum exceeding one thousand rupees, or in respect of any property exceeding one thousand rupees in value, shall be in writing, and signed by the Chairman (or, in his absence, by the Vice-Chairman) and two other Commissioners, and shall be sealed with the seal of the Commissioners, and no such contract shall be made without inviting tenders thereon and without the approval of a Committee of the Commissioners.

Unless so executed, it shall not be binding on the Commissioners.

The Commissioners may compound with any contractor or other person in respect of any penalty or damages incurred by reason of the non-performance of any contract entered into as aforesaid, whether such penalty be mentioned in any such contract or otherwise, for such sums of money or other recompense as to the Commissioners may seem proper.

55. The Commissioners in meeting may from time to time appoint, from among the Commissioners, such and so many Committees, either of a general or of a special nature, and consisting of such number of persons as they may think fit, for the purpose of inquiring into, and reporting upon, any matter connected with the conservancy or improvement of the Town, or of advising and aiding the Chairman in the discharge of any portion of his executive duties, which, in the discretion of the Commissioners, would be better regulated or managed with the advice and aid of any such Committee:

Commissioners may appoint Committees.

Provided that the Chairman or Vice-Chairman shall be a member of every such Committee, and that the proceedings of every such Committee shall be submitted to the Commissioners at a meeting:

Provided also that in cases where the Chairman and the majority of the Committee differ on any matter, no action shall be taken in respect of such matter until it be disposed of by the Commissioners in meeting.

PART V.—*Of the Estimates of Income, Expenditure, and Audit.*

A budget or estimate of income and expenditure to be submitted annually to the Commissioners.

56. At the quarterly meeting to be held in the month of October in each year, the Chairman shall lay before the Commissioners a budget or estimate, prepared by him, of the income and expenditure of the Commissioners (not mentioned in Chapter VIII) for the year commencing on the first day of January then next succeeding, in such detail and form as the Commissioners shall, from time to time, by order passed at a quarterly or special general meeting, direct.

Such budget shall be completed and printed, and a copy thereof, as far as may be practicable, sent by post or otherwise to each of the Commissioners resident within twenty miles of Government House, at least seven days prior to the meeting before which the budget is to be laid.

Budget of expenditure.

57. The budget shall show what expenditure it is proposed to incur during the period to which it relates, and the manner in which it is proposed to meet such expenditure.

Provided that nothing contained in this section shall preclude the Commissioners in meeting from sanctioning expenditure not provided for in the budget.

Revision and passing of estimates

58. It shall be in the discretion of the Commissioners, at the meeting referred to in section fifty-six, to pass, or to reject, or to modify the estimates of all or any sums entered in the budget.

No new work or series of works, the entire estimated cost of which shall exceed fifty thousand rupees, shall be commenced without the sanction of the local Government.

Accounts to be audited and examined.

59. The accounts of the receipts and expenditure of the Commissioners shall be audited and examined at least once in every year, at such time, and by such auditors as shall from time to time be appointed by the local Government.

Powers of auditors.

60. For the purposes of any audit and examination of accounts under this Act, the auditors may, by summons in writing, require the production before them of all books, deeds,

contracts, accounts, vouchers, and all other documents and papers which they may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers, to appear before them at any such audit and examination, or adjournment thereof, and to make and sign a declaration with respect to the same.

Penalty.

61. If any such person neglect or refuse to make or sign such declaration, or to produce any such books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign such declaration, he shall be liable, for every neglect or refusal, to a fine not exceeding one hundred rupees, and to a further fine, not exceeding seventy rupees, for each day during which the offence is continued after he has been convicted of such offence.

Remuneration of auditors.

62. All auditors acting under this Act shall, in respect of each audit, be paid out of the Municipal Fund such reasonable remuneration as the Commissioners in meeting, other than an ordinary meeting, shall from time to time determine.

Ten days' notice of audit to be given.

63. Before each audit and examination of accounts, the Commissioners shall give ten days' notice of the time and place at which the same will be made by advertisement in at least two of the daily newspapers published in Calcutta; and a copy of the accounts to be audited and examined shall be deposited in the office of the Commissioners, and be open during office hours thereat to the inspection of all persons interested for seven days before the audit and examination, and all such persons shall be at liberty to take copies of, or extracts from, the same, without the payment of any fee; and within fourteen days after the audit and examination shall have been completed, the auditors shall report upon the accounts audited and examined, and shall deliver such report to the Commissioners at a meeting, who shall cause the same to be deposited in the office of the Commissioners, and to be published in the *Calcutta Gazette.*

PART VI.—*Of the fixing of rates.*

Rates to be fixed at the quarterly meeting in October.

64. At the quarterly meeting to be held in the month of October in each year as aforesaid, the Commissioners shall fix the rates at which the rates and taxes hereinafter mentioned shall be imposed for the year commencing on the first day of January then next ensuing, and the rate so fixed shall not be altered before the quarterly meeting held in the next succeeding month of October, except by a resolution passed by the Commissioners at a special general meeting.

CHAPTER III.

Of Taxes.

Part I.—*Of the tax on Carriages and Animals.*

Tax on carriages and animals.

65. A tax at a rate not exceeding the rates specified in the second schedule shall be imposed upon all carriages and animals kept within the Town, and shall be payable in advance. But it shall not be imposed on—

(*a*) animals belonging to Officers doing regimental duty at the Presidency, at the rate of one animal for each Officer;

(*b*) animals exempt from any municipal tax under section 25 of the Indian Volunteers' Act, 1869;

(*c*) carriages or animals belonging to the Government or to the Commissioners;

(*d*) carriages, the wheels of which do not exceed twenty-four inches in diameter;

(*e*) animals under eleven hands in height;

(*f*) carriages kept for sale by *bonâ fide* dealers in such carriages and not used for any other purpose;

(*g*) animals used by, or in, any cavalry regiment, or by the Police Force.

Owners of carriages, &c., to take out license.

66. The person in possession of every carriage or animal kept within the Town shall, on or before the first day of January and the first day of July in each year, forward to the office of the Commissioners a statement in writing signed by him, containing a description of the carriages and animals in his possession liable to the tax.

Such person shall at the same time pay to the Commissioners such sum as shall be payable by him for the half-year commencing on the first day of January or July (as the case may be) for the carriages and animals specified on such statement, according to the rates given in the second schedule.

Any person becoming possessed between the first day of January and the first day of July, or between the first day of July and the first day of January, of any carriage or animal so kept, shall, within a week of becoming so possessed, send to the office of the Commissioners a similar statement, together with the amount payable for the whole of the then current half-year, according to the rates specified in the second schedule.

The Commissioners may, if they are satisfied that any such carriage or animal has been kept for only a portion of the then current half-year, remit the whole, or such portion thereof as they may think fit, of the amount so payable.

For the purposes of this section, a livery stable keeper shall be deemed to be possessed of every animal in his stables.

On payment of tax Commissioners to grant license.

67. Whenever any person shall pay to the Commissioners the amount of the tax which under the two last preceding sections shall be payable by him in respect of all carriages and animals kept within the Town, the Commissioners shall grant to such person a license to keep within the Town such carriages and animals during the current half-year ending upon the first day of January or the first day of July which shall occur next after the grant of such license, and no longer.

Penalty.

68. Whoever keeps or is in possession of any carriage or animal without the license required by the two last preceding sections shall be liable to a fine not exceeding three times the amount payable by him in respect of such license, exclusive of the amount so payable.

Commissioners may compound for carriages with livery stable-keepers and others.

69. The Commissioners, at their discretion, may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages for hire, or animals for sale or hire, for a certain sum to be paid for the carriages or animals so kept by such persons in lieu of the taxes specified in the second schedule.

Penalty.

70. Whoever, having compounded for the payment of a certain sum under the last preceding section, refuses to pay such sum, shall be liable to a fine not exceeding three times the amount payable by him in respect of such composition, exclusive of the amount so payable.

Power to compel production of the books of livery stable-keepers.

71. The Commissioners may, by a notice in writing under their common seal, require any person who shall carry on the trade or business of a livery stable-keeper to produce, for the inspection of the Commissioners, or of any officer authorized by them in that behalf, all books and accounts relating to the business of a livery stable-keeper carried on by such person.

Power to inspect stable, &c., and to summon persons liable to the payment of the tax.

72. The Commissioners, or any person authorized by them in that behalf, may, at any time between sunrise and sunset, enter and inspect any stable or coach-house, or any place wherein they may have reason to believe that there is any carriage or animal liable to taxation; and the Commissioners may summon any person whom they have reason to believe to be liable to the payment of any tax under sections sixty-five and

sixty-six, or any servant of such person, and may examine such person or servant as to the number and description of the horses and carriages in respect of which such person is liable to be taxed.

Penalty.

73. Whoever neglects or refuses to comply with a notice served under section seventy-one, and whoever hinders or obstructs the Commissioners or any person appointed by them from, or in, entering or inspecting any stable, coach-house, or place in the manner provided in the last preceding section, shall be liable to a fine not exceeding one hundred rupees.

List of persons licensed to be entered in a book.

74. The Commissioners shall from time to time cause to be prepared and entered in distinct columns, in a book to be kept at the office of the Commissioners, and to be open to the inspection of any person who shall apply for leave to inspect the same, a list of the persons to whom during the then current period of six months a license has been granted under section sixty-seven, and of the carriages and animals in respect of which the same has been granted.

PART II.—*Of the Tax on Professions, Trades, and Callings.*

Persons exercising certain professions, trades, and callings in the Town, to take out a license.

75. Every person who shall within the Town exercise any of the professions, trades, or callings specified in the third schedule, shall yearly take out a license, and shall pay for the same such sum as is in the third schedule mentioned.

The Commissioners may, in their discretion, remit any portion of the sum so payable if they are satisfied that any such person has exercised any such profession, trade, or calling for a portion of the year only.

License to be granted by Commissioners and to specify particulars

76. The license mentioned in the last preceding section shall be granted by the Commissioners, or by some person authorized by them in that behalf, and shall specify

the date of the grant thereof,

the name of the person to whom the license is granted,

the profession, trade, or calling for which the license is granted,

and the sum paid for such license.

Such license shall have effect and continue in force from the commencement of the year in which it is granted until the thirty-first day of December next after the day of the granting thereof, and no longer.

Penalty.

77. Whoever exercises any trade, profession, or calling without the license required by section seventy-five, shall be liable to a fine not exceeding three times the amount payable in respect of such license exclusive of the amount so payable.

78. The Chairman, or some other officer authorized by him in that behalf, shall determine under which of the classes mentioned in the third schedule every person to whom a license may be granted shall be assessed, and the Chairman may, in his discretion, remit the payment of license tax either in whole or in part to any person classified under Classes 5 or 6 of the third schedule.

Chairman or Vice-Chairman to classify all persons required by this Act to be licensed.

79. Any person may, within fourteen days of the date of his being informed of the class under which he has been assessed as determined in the last preceding section, appeal against such assessment by delivering at the office of the Commissioners an application in writing, stating the grounds of appeal; and such appeal shall be heard and determined by not less than three Commissioners other than Executive Officers of the Commissioners.

Appeals against assessment of licenses.

No such appeal shall be heard unless the amount of the license assessed as aforesaid has been deposited with the Commissioners.

If no appeal be made within the time limited as aforesaid, the decision of the Chairman or Vice-Chairman shall be final.

80. The Commissioners may, by a notice in writing under their common seal, require the occupier of any house to forward to them a list in writing signed by him of the names of all persons residing in such house, and of their respective professions, trades, and occupations.

Commissioners may require list of persons in any house.

81. Whoever, being the occupier of any house, fails to forward such list when required to do so under the last preceding section, shall be liable to a fine not exceeding one hundred rupees.

Penalty.

82. As soon as may be after the first day of January in every year, the Chairman shall prepare a list of the persons licensed under sections seventy-five and seventy-six, which shall state—

Chairman to prepare a list of all persons required by this Act to be licensed.

the profession, trade, or calling of every such person therein named,
the class under which he is assessed,
and the sum paid by him in respect of his license;

and such list shall be kept in the office of the Commissioners and be open to public inspection at all reasonable times.

PART III.—*Of the Registration of Carts.*

83. Every cart kept or used within the Town, or the Suburbs, or Howrah, shall be registered in the office of the Commissioners with the name and residence of the

Registry and numbering of carts.

owner, and shall have affixed thereto the number of such registration in such manner as the Commissioners shall direct.

Penalties.

84. Whoever keeps or is in possession of a cart not duly registered as required by the last preceding section, shall be liable to a fine not exceeding three times the amount payable by him in respect of such registration, exclusive of the amount so payable; and whoever, being the owner or driver of any cart, shall fail to affix the registration number required by the last preceding section, shall be liable to a fine not exceeding five rupees.

Fee for registration.

85. The registration of carts under the last preceding section shall be made, and the numbers assigned half-yearly on or after the first day of January and the first day of July in each year, upon such days as the Commissioners shall appoint, and a fee of four rupees shall be paid for each registration.

The Commissioners may, in their discretion, remit any portion of the fee so payable if they are satisfied that the cart hereinbefore required to be registered has been kept or used as in the last preceding section mentioned for a portion of the half-year only.

When any registered cart is transferred within any half-year, it shall be registered anew in the name of the person to whom it has been transferred; and a fee of four annas shall be paid for every such last-mentioned registration.

One-sixth of the total net proceeds of the fees half-yearly received by the Commissioners for the registration of carts, after deducting charges incurred in and about such registration, shall be paid half-yearly by the Commissioners to the Municipality of the Suburbs, and one-twelfth of such proceeds to the Municipality of Howrah.

Provided that it shall be in the discretion of the local Government, from time to time, to alter the proportion of the said proceeds required by this section to be paid by the Commissioners to the Municipalities of the Suburbs and of Howrah respectively, and to prescribe such other proportions as to it shall seem proper.

Last three sections not to apply to certain carts.

86. The three last preceding sections shall not apply to carts—

(*a*) which are the property of the Government,

(*b*) which are the property of the Commissioners, the Municipal Commissioners of the Suburbs, or of Howrah.

(*c*) or which are kept at any place more than eight miles distant from Government house, and are only temporarily and casually used within the Town, the Suburbs, or Howrah,

87. If any person owns or keeps any cart hereinbefore required to be registered without having caused the same to be registered, the Commissioners, or any officer authorized by them in that behalf, may seize such cart (provided the same be not employed at the time of the seizure in the conveyance of passengers or goods), together with the animals or cattle drawing the same, and may detain them;

On failure to register, the Commissioners may seize and sell cart and animals.

and all Police Officers shall, on the application of the Commissioners, or their officers as aforesaid, seize and detain any such cart, animals, or cattle.

If the cart, animals, or cattle so seized be not claimed within ten days, they may be sold by auction by order of a Justice of the Peace, or Magistrate, and the proceeds of such sale may be applied to the expenses incurred on account of the seizure, detention, and sale; and the surplus (if any), if not claimed within a further period of twenty days, shall be paid to the Municipal Fund of Calcutta.

CHAPTER IV.

Of Rates.

Part I.—*Of Imposing the Rates.*

88. The Commissioners shall, as provided in section sixty-four, impose upon all houses and land within the Town the following annual rates, which shall be calculated on the annual value of the said houses and land—

Rates.

(*a*) a house-rate not exceeding ten per centum;

(*b*) a water-rate not exceeding six per centum when the houses and land are situated in streets supplied with filtered water in the manner provided by section one hundred and twenty-nine, and not exceeding five per centum when the houses and lands are situated in streets not so supplied;

(*c*) a police-rate not exceeding three per centum;

(*d*) a lighting-rate not exceeding two per centum.

The Commissioners may impose upon all houses and land situated within the boundaries declared under section one hundred and sixty-eight an annual drainage-rate not exceeding two and a half per centum of their annual value.

Rates by whom and when payable.

89. The house-rate and drainage-rate shall be payable by the owners of the houses and land.

The water-rate shall (save as is provided in sections ninety-nine and one hundred) be payable by the occupiers of the houses and land.

The police and lighting-rates shall (save as is provided in section one hundred) be payable by the occupiers of the houses and land.

All the rates hereinbefore mentioned shall be payable by quarterly instalments.

The house-rate shall be payable on the first of April, the first of July, the first of October, and the first of January for the quarters immediately preceding those dates.

The water-rate shall (save as is provided in section ninety-nine) be payable in advance on the dates above-mentioned for the current quarter.

The police and lighting-rates shall be payable in advance on the dates above-mentioned for the current quarter.

PART II.—*Of the Owner's Rates.*

If assessment be made at a higher annual value than the amount paid by the occupier, owner may recover difference from him.

90. If the annual value of any house or land as assessed under Chapter V shall in any case exceed the amount of rent payable by the occupier to the owner, the owner may in such case recover from the occupier the difference between the sum assessed upon him and the sum at which he would have been assessed had he been rated only upon the amount of rent actually payable to him, and such difference shall be added to the rent payable by the occupier, and shall be recoverable by the owner from him.

Remission of house-rate when house vacant.

91. Where any house or land whereon the rate is assessed under Chapter V has been vacant for sixty consecutive days during any year, the person assessed to the said rate shall be entitled to a remission of so much thereof, not exceeding one-half of the rate for that year, as shall be proportionate to the number of days such house or land has been vacant, if notice shall have been given in writing to the Commissioners of such house or land being vacant; and the date of vacancy shall be calculated from the date of the delivery of such notice at the office of the Commissioners.

No remission unless application be made within six months from vacancy.

92. No remission shall be made under the last preceding section, unless the same shall be applied for within six months from the date of cessation of occupation of the house or land on account of which the remission is applied for.

PART III.—*Of the Occupier's Rates.*

Refund of water-rate when house ceases to be occupied.

93. Whenever any quarterly instalment of water-rate shall have been paid in respect of any house or land, and such house or land shall, during the quarter for which such instalment shall have been paid, cease to be occupied, the person who shall have paid such water-rate shall be entitled to be repaid by the Commissioners three-fourths of such sum as shall bear to the amount

paid by him the same proportion which the residue of the quarter bears to an entire quarter, if notice shall have been given in writing to the Commissioners of such house or land being vacant; and the date of vacancy shall be calculated from the date of the delivery of such notice at the office of the Commissioners.

Refund of police and lighting-rates when house ceases to be occupied.

94. Whenever any quarterly instalment of the police and lighting-rates shall have been paid in respect of any house or land, and such house or land shall, during the quarter for which such instalment shall have been paid, cease to be occupied, the person who shall have paid such instalment shall be entitled to be repaid by the Commissioners such sum as shall bear to the amount paid by him the same proportion which the residue of the quarter bears to an entire quarter, if notice shall have been given in writing to the Commissioners of such house or land being vacant; and the date of vacancy shall be calculated from the date of delivery of such notice at the office of the Commissioners.

No refund of rates unless application made within six months from vacancy.

95. No refund of rates shall be made under the two last preceding sections, unless the same is applied for within six months from the date of cessation of occupation of the house or land on account of which the refund is applied for.

Rate payable on house or land becoming occupied.

96. Whenever any house or land which shall have been unoccupied shall be occupied during any quarter, there shall be forthwith payable in respect of such house or land such amount of the water, police, and lighting-rates as shall bear to the entire quarterly instalments of the said rates for such house or land the same proportion as the residue of such quarter after such house or land shall be occupied bears to an entire quarter.

Person subletting to different persons to be deemed occupier.

97. Whenever any person holding any house or land at a rent from the person liable to pay the house-rate has or may sublet the same to different persons holding in severalty, the person so holding shall, for the purposes of this Act, be deemed to be the occupier of such house or land.

Occupier paying water-rate to deduct one-fourth from rent due to owner.

98. Whenever the person from or by whom the water-rate shall have been recovered or paid shall not be the owner of the house or land in respect of which the water-rate shall have been assessed, such person may recover from the owner of such house or land one-fourth of the water-rate so paid by deducting the same from the rent payable by him to such owner.

When house or land unoccupied, owner to pay one-fourth of water-rate.

99. Whenever any house or land has been unoccupied during an entire quarter, the owner of the said house or land shall pay to the Commissioners one-fourth of the sum which would have been payable as water-rate by the occupier if such house or land had been occupied.

The sum payable by the owner under this section shall be payable on the first of April, the first of July, the first of October, and the first of January, for the quarters immediately preceding those dates.

Power to assess owners in certain cases.

100. If any house is occupied by more than one person holding in severalty, or is of less assessed annual value than two hundred rupees, the Commissioners may impose the water, police, and lighting-rates upon the owner of such house, or upon the owner of the land on which such house is situated.

Owner to recover from occupier water-rate paid by owner.

101. If the water-rate is paid by the owner of any house or land under the last preceding section, such owner may, if there be but one occupier of the house, recover from such occupier three-fourths of the rate so paid by such owner;

and if there be more than one occupier, he may recover from each occupier three-fourths of such sum as shall bear to the entire amount of rate so paid by him, the same proportion as the value of the portion of the house in the occupation of such person bears to the entire value of such house.

Owner to recover from occupier police and lighting rates paid by owner.

102. If the police and lighting-rates are paid by the owner of any house or land under section one hundred, such owner may, if there be but one occupier of the house, recover from such occupier the entire amount of the rates so paid by such owner;

and if there be more than one occupier, he may recover from each occupier such sum as shall bear to the entire amount of rates so paid by him, the same proportion as the value of the portion of the house in the occupation of such person bears to the entire value of such house.

Owner to have same power for recovering rates as for recovering rent.

103. Every owner who, under the provisions of the two last preceding sections, may be entitled to recover any sum from the occupier of any house or of any portion thereof, shall have for the recovery of such sum all such and the same remedies, powers, rights, and authorities as if such sum were rent payable to him by the occupier in respect of such portion of the house as may be in his occupation.

CHAPTER V.

Of the Assessment of Houses and Land.

Annual value of house or land how to be ascertained.

104. The estimated gross annual rent at which any house or land liable to rate under this Act might reasonably be expected to let from year to year shall, for the purposes of any rate to be imposed under this Act, be held and be deemed to be the annual value of such house or land.

The value of land so estimated shall not include the value of any machinery thereupon.

Provided that all the unoccupied land, roads, and slopes of the Port Commissioners shall be rated at the rent for which the said land, roads or slopes might be reasonably expected to let, in the same manner as if the said land, roads, and slopes were used for other than public purposes, and belonged to persons other than a public body, save and except the road extending from the northern boundary of the premises occupied by the East India Railway Company at Armenian Ghât to the Chitpore canal, and the road extending from the Chitpore road to the river Hooghly at Coomartollah Ghât, for a width not exceeding seventy feet and sixty feet respectively, which shall be exempted from assessment of any rate under this Act.

Annual value to be assessed by the Commissioners; assessment to remain in force for six years.

105. All assessments made by the Commissioners prior to the commencement of this Act shall remain in force during the period for which they were so made, and on the expiration of such assessments, the annual value at which any house or land is to be assessed shall be fixed by the Commissioners, and such house or land shall be assessed upon the value so fixed for six years from the date on which it is so fixed.

When substantial improvement made, Commissioners may re-assess.

106. If, during the currency of any period mentioned in the last preceding section, any substantial alteration and improvement is made to any such house or land, the Commissioners may cause such house or land to be again assessed, even though such period has not expired, and such last-mentioned assessment shall be in force, and the rate shall be imposed according to it, until the expiration of the said period of assessment.

When substantial injury done, Commissioners may re-assess.

107. If, during the currency of any period mentioned in section one hundred and five, any such house or land shall receive substantial injury through fire, cyclone, the act of God, or civil commotion, or suffers material depreciation from any cause proved to the satisfaction of the Commissioners to

have been beyond the control of the owner or occupier thereof, the Commissioners shall, as soon as practicable, on application being made to them in writing by the owner or occupier of such house or land, cause such house or land to be again assessed, even though the current period of assessment has not expired, and such last-mentioned assessment shall be in force, and the rate shall be imposed according to it, until the expiration of the said period of assessment;

Provided that if any substantial alteration and improvement shall be made, prior to the expiration of the said period of assessment, to the house or land which shall have been again assessed as aforesaid, the Commissioners may cause such house or land to be again assessed as under section one hundred and six.

Annual value assessed to be entered in a book.

108. The annual value assessed by the Commissioners as hereinbefore provided shall be entered in a book to be kept at the office of the Commissioners, wherein shall also be written in distinct columns—

(*a*) the name of the owner;

(*b*) the name of the occupier, if the occupier is the person liable to pay the rate;

(*c*) a designation of the property sufficient to identify the same, together with the name and number of the street (if any) in which it is situated;

(*d*) the amount of the rate assessed thereon; and

(*e*) the amount of the rate assessed on the house and on the land respectively, whenever any rate is payable by the owner of the land, and the said owner is not the owner of the house situated on the said land.

The book required to be kept under this section is hereinafter called the "assessment book."

When the name of the owner or occupier is not known, it shall be sufficient to designate him in the assessment book as the "owner" or "occupier."

New valuation or measurement to be made.

109. The Commissioners shall from time to time make a valuation or measurement of all houses and land within the Town, and for such purpose may divide the Town into such and so many districts as they may think fit, and proceed to make a separate valuation or measurement district by district, and shall enter the same in the assessment book.

Returns may be required for purpose of valuation.

110. The Commissioners may require the owner or occupier of any house or land to furnish them with returns of the measurements and of the rent or annual value thereof; and the Commissioners, or any person authorized by them in that behalf, may at any time between the hour of seven in the forenoon and sunset enter on, and inspect, survey, and measure such house or land after giving a notice in writing of not less than twenty-four hours.

Penalty.

111. Whoever refuses or fails to furnish any such return for the space of one week from the day on which he shall have been required so to do, or knowingly makes a false or incorrect return, and whoever hinders, obstructs, or prevents any Commissioner or any person appointed by the Commissioners, as aforesaid, from entering or inspecting or measuring any such house or land, shall be liable to a fine not exceeding two hundred rupees for every such offence.

Public notice of valuation and measurement to be given.

112. When the valuation or measurement of any of the districts of the Town into which it may have been divided by the Commissioners shall have been completed, the Commissioners shall give public notice thereof, and of the place where the assessment book, or a copy thereof, may be inspected by advertisement in at least two of the English daily newspapers, and in two Vernacular newspapers, published within the Town, and also by placards posted up in conspicuous places throughout such district of the Town;

and the person in whose custody the assessment book may be shall permit every person, being the owner or occupier of any house or land included in the assessment or measurement, or the agent of such owner or occupier, to inspect the book and to make extracts therefrom without payment of any fee, and every person, not being such owner or occupier, to inspect and make extracts in like manner, on payment of a fee of one rupee.

Notice when valuation made for first time or increased.

113. The Commissioners shall, in all cases in which any house or land is for the first time assessed, or in which the valuation of measurement of any house or land previously assessed is increased, give special notice thereof to the owners or occupiers of the same, and when the valuation is increased as aforesaid, the said notice shall state the grounds of such increase.

Appeals.

114. Appeals against any assessment made by the Commissioners under this Chapter shall lie—

(*a*) to not less than three Commissioners, other than executive officers of the Commissioners; or

(*b*) to the Court of Small Causes.

In any case of an appeal to the Court of Small Causes under this section, the said Court may follow the procedure laid down in sections three hundred and fifty-four and three hundred and fifty-five.

Notice to be given by person appealing.

115. Any person desiring to appeal against any assessment made under this Chapter, shall, within fifteen days of the publication of the notice referred to in section one hundred and twelve, deliver at the office of the Commissioners a notice in writing stating the grounds of appeal, and also informing the Commissioners whether he intends to appeal under clause (*a*) or (*b*) of the last preceding section.

No appeal shall lie as hereinbefore provided unless the amount of the house-rate for one quarter, under the assessment about to expire, has been deposited with the Commissioners;

and unless the appeal is preferred by the person who at the time the appeal is made shall be recorded in the said book as the owner of the house or land to which the appeal refers, or by the occupier thereof, or by the agent of either of them.

Notice of day for hearing appeals.

116. The Commissioners shall give notice of a day, not being less than fifteen days from the publication of such notice, when they will proceed to hear the appeals under clause (*a*) of section one hundred and fourteen.

Every appeal under clause (*b*) of the said section shall be presented to the Small Cause Court within seven days from the date of the delivery of the notice at the office of the Commissioners under the last preceding section.

Assessment by Commissioners when to be final.

117. The assessment by the Commissioners of any rate, when no appeal therefrom is made as hereinbefore provided, and the adjudication of any appeal under the two last preceding sections shall be final and conclusive.

Assessments to be entered in assessment book.

118. The assessments made by the Commissioners, subject to such alterations as may from time to time thereafter be duly made on appeal, shall be entered in the assessment book, and the rate calculated on the said assessment shall, subject to such alterations as aforesaid, be deemed to be the rate for the whole period for which the assessment is made, and this period shall be calculated from the commencement of the quarter next succeeding that in which any such amendment shall be so authenticated; and until such date the old assessment shall continue in force, notwithstanding that the period for which the old assessment was made may have expired.

Alteration or amendment of assessment.

119. The Chairman or Vice-Chairman may at any time amend the assessment book by inserting therein the name of any person whose name ought to be so inserted, or by inserting any house or land liable to the rate, after giving notice to any person interested in the making of the amendment of a day, not being less than fifteen days from the date of the service of such notice when such amendment is to be made; or by striking out the name of any person, or any house or land not liable to the rate, or reducing the amount of the assessment without notice;

and if any amendment shall be made in cases where notice is required, the same shall be deemed to have been made on the expiration of fifteen days after service of the said notice; and any person interested in such amendment may appeal by application in writing to the Commissioners, to be left at their office three clear days before the day fixed in the said notice for such amendment; and the provisions of sections one hundred and fourteen, one hundred and fifteen, one hundred and sixteen, and one hundred and seventeen shall, so far as may be practicable, apply to such appeal.

New assessment book need not be prepared every six years.

120. It shall not be necessary to prepare a new assessment book at the expiration of each period of assessment, but the Commissioners in meeting, other than an ordinary meeting, may adopt the valuation or measurement and assessment contained in any assessment book for any previous period, with such alterations as may in particular cases be deemed necessary, as the valuation or measurement and assessment for the period next following;

provided that sections one hundred and ten to one hundred and eighteen (both inclusive) shall, as far as may be practicable, be applicable to such valuation or measurement and assessment and to the assessment book or books in which it is contained.

CHAPTER VI.

Of levying the Rates.

Bills to be presented.

121. When any rate is due, the Commissioners shall cause to be presented to the person liable to the payment thereof a bill for the sum due, which shall also contain a statement of the period and a description of the property for which the rate is charged;

provided that, whenever any rate is payable by the owner of the land, and the said owner is not the owner of the house situated on the said land, the assessment on the land and on the house shall be separately entered in the said bill.

122. If the bill is not paid by the person liable to pay the same within seven days from the presentation thereof, the Commissioners may cause to be served upon such person a notice of demand in the form contained in the fourth schedule, or to the like effect;

Notice of demand

and if he shall not, within seven days from the service of such notice of demand, pay the sum due, or show sufficient cause to the satisfaction of the Commissioners for non-payment of the same, such sum, with all costs, may be levied by distress and sale of the moveable property of the defaulter, or if the defaulter be the occupier of any house or land in respect of which a rate is due, by distress and sale of any moveable property found on the house or land, under a warrant in the form contained in the fifth schedule, or to the like effect, to be issued for that purpose by the Commissioners.

Distress.

For every notice of demand under this section which the Commissioners shall cause to be served upon any person, a fee, not exceeding one rupee, shall be paid by such person.

Such fee shall be added to the amount of the rate in respect of which the notice is given, and if not duly paid, shall be levied in the same manner as such rate may be levied.

123. The officer charged with the execution of a warrant of distress under the last preceding section shall make an inventory of the moveable property seized under such warrant, and shall at the time give a notice in writing in the form contained in the sixth schedule, or to the like effect, to the person in possession thereof at the time of the seizure, that the said moveable property will be sold as therein mentioned.

Inventory and notice of distress.

124. If the warrant is not in the meantime discharged or suspended by the Commissioners, the moveable property seized shall be sold under the orders of the Commissioners, who shall apply the proceeds, or such part thereof as may be necessary, in discharge of the said arrears and costs;

Sale.

and the surplus, if any, shall be returned on demand to the person in possession of the moveable property at the time of the seizure.

All sales of property under this section shall, so far as may be practicable, be regulated by the procedure now in force, or hereafter to be in force, in the Court of Small Causes with respect to sale after distress.

Fees shall be payable upon distraints under this Act according to the rates set forth in the table of fees in the sixth schedule.

All officers and servants of the Corporation are prohibited from purchasing any property at any such sale.

Goods of defaulter wherever found may be distrained.

125. The moveable property of any person from whom any rate is due may be distrained, wherever the same may be found, for default in payment of the money due from him.

Rate due from owner may be recovered from occupier, and deducted by him from his rent.

126. If the sum due on account of any rate from the owner of any house or land remains unpaid after notice of demand has been duly served, the Commissioners may demand the amount from the occupier for the time being of the house or land, and on non-payment thereof, may recover the same by distress and sale of any moveable property found on the house or land, and, in such case, the occupier may deduct, from the next and following payments of his rent, the amount which may be so paid by, or recovered from him.

Provided that no arrear of rate which has remained due from the owner of any house or land for more than one year shall be so recovered from the occupier thereof.

Distress not unlawful for want of form.

127. No distress levied under this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the notice, schedule, summons, notice of demand, warrant of distress, inventory, or other proceeding relating thereto, nor shall such party be deemed a trespasser on account of any irregularity committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for any special damage sustained by them in any Court of competent jurisdiction.

Commissioners may sue instead of proceeding by distress.

128. Instead of proceeding by distress and sale, or in case of failure to realize by distress and sale the whole or any part of the sum due in respect of any rate, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

CHAPTER VII.

Of the Water-supply.

Commissioners to provide water-supply.

129. The Commissioners shall provide a supply of water within the Town, and shall for that purpose cause such mains and pipes to be laid, and such tanks, reservoirs, or other works to be made and constructed, as shall be necessary for the supply of filtered water in all the chief public streets of the Town, and shall also erect, in all such streets, sufficient and convenient stand-pipes or pumps for the gratuitous use of the inhabitants of the Town for domestic purposes.

The said stand-pipes or pumps shall be so placed that there shall not be any portion of any such chief street at a greater distance than one hundred and fifty yards from some such stand-pipe or pump.

What are not domestic purposes.

130. A supply of water for domestic purposes shall not include a supply of water for animals, or for washing carriages, where such animals or carriages are kept for sale or hire, or a supply for any trade, manufacture, or business, or for fountains, or for watering gardens or roads, or for any ornamental or mechanical purpose.

Pressure at which water must be kept.

131. The Commissioners shall, between the hours of six in the forenoon and nine in the afternoon, so far as may be reasonably practicable, keep and maintain in their pipes and mains a sufficient supply of filtered water under a pressure of not less than ten feet for the domestic use of the rate-payers, and shall daily, from the hour of seven in the forenoon to nine in the forenoon, and from the hour of five in the afternoon to six in the afternoon, maintain a pressure of water in the service pipes and mains sufficient to raise the water in all houses and places in which the same may be introduced to a height of not less than fifty feet.

Supply for business.

132. The Commissioners may supply water through a meter, for purposes other than domestic purposes, provided that the person requiring such supply make application to the Commissioners in writing, specifying the purpose for which such supply is required and the quantity likely to be consumed.

The Commissioners may thereupon, subject to such charges or rates as may have been fixed by the Commissioners in meeting, other than an ordinary meeting, lay down, or allow to be laid down, the necessary communication-pipes and works, of such dimensions and character as may be fixed by the Commissioners.

Householder entitled to certain supply of water for domestic use.

133. The occupier of every house shall be entitled to have, free of further charge, fifteen hundred gallons of filtered water for every rupee paid to the Commissioners as water-rate on account of such house, to be supplied from the service pipes of the Commissioners for domestic use through a ferrule of such size as the Commissioners may determine. If the Commissioners have reason to believe that the occupier of any house consumes more filtered water than he is entitled to as aforesaid, it shall be lawful for the Commissioners to provide a water-meter at their own expense, and attach the same to the water-pipes of the said house; and any water which may be used over and above the quantity to which the occupier is entitled as aforesaid shall be paid for by him at the rate of one rupee for every fifteen hundred gallons:

Provided that no charge shall be made by the Commissioners for unfiltered water supplied under the next succeeding section.

Nothing contained in the first clause of this section shall apply to houses assessed at less than twelve hundred rupees per annum.

Commissioners may provide filtered or unfiltered water for latrines.

134. It shall be at the option of the Commissioners to provide filtered or unfiltered water for all latrines and water closets; and wherever filtered water has been already supplied to such latrines or water-closets, it shall be lawful for the Commissioners at their own expense, and not otherwise, to stop the supply of filtered water, and in lieu thereof to provide unfiltered water for such latrines and water-closets.

All latrines to be provided with cisterns.

135. All latrines and water-closets now supplied, or hereafter to be supplied, with water, filtered or unfiltered, shall be provided with a cistern of such size and description as the Commissioners shall direct; and all such cisterns shall be put up at the cost of the owner of the house or land so supplied with water.

Communication-pipes, &c., to be made of required dimensions and at expense of householder.

136. Every person paying the water-rate hereinbefore mentioned shall be entitled to lay down communication-pipes from the service pipes of the Commissioners for bringing into his house or land a reasonable supply of water for domestic use; provided that the Commissioners shall be at liberty to cut off the supply of water to any house or land during the time the said house or land is unoccupied.

The communication-pipes leading the water from the service pipes of the Commissioners into the house of any rate-payer, and the pipes and works within the house connected therewith, shall be of such character, dimensions, and material as the Commissioners shall fix and approve; and shall be made and constructed at the expense of the person requiring the same.

Communication-pipes, &c., must be made to satisfaction of officer of the Commissioners.

137. The communication-pipes and all fittings thereon leading water from the service pipes of the Commissioners into any house or land, and the pipes, works, and fittings inside the house or land, must in all cases be executed subject to the inspection and to the satisfaction of the Commissioners.

Such communication-pipes, works, and fittings may be made by the servants and workmen of the Commissioners upon such terms as may be agreed upon between the Commissioners and the person requiring the supply, or subject to such charges as may be fixed by the Commissioners;

and the Commissioners may require the amount necessary for the execution of such works to be paid or deposited before such works are executed;

and such charges and expenses shall be recoverable in the same manner as the water-rate.

Power to enter premises.

138. The officer authorized in that behalf by the Commissioners may, between the hours of seven in the forenoon and five in the afternoon, enter into or on any house or land supplied with water as aforesaid in order to examine all pipes, works, and fittings connected with the supply of water, and to ascertain if there be any waste or misuse of such water;

and if such officer at any such time be refused admittance into such house or land for the purposes aforesaid, or be prevented from making such examination as aforesaid, the Commissioners may forthwith turn off the water from such house or land.

Provided that nothing hereinbefore contained shall authorize an entry into any room appropriated for the zenana or residence of women, which by the custom of the country is considered private, unless a notice in writing of not less than four hours be given.

When pipes are out of repair, Commissioners may turn off water.

139. In the event of any pipes, works, or fittings connected with the supply of water to any house or land being at any time found on examination by any officer of the Commissioners authorized in that behalf to be out of repair to such an extent as to cause any waste of water, the Commissioners may cause the water to be turned off from such house or land, after giving notice in writing of not less than twenty-four hours, and may recover the expense incurred for turning off the water from the occupier of such house or land.

Water may be cut off on neglect to pay the rate.

140. If any person supplied with water shall neglect to pay the water-rate hereinbefore mentioned at any of the times of payment thereof, or the charge made for the said water when supplied for other than domestic purposes, the Commissioners may turn off the water from the house or land in respect of which such rate or charge is payable, by cutting off the pipe to such house or land, or by such means as the Commissioners may think fit, and may recover the expense of turning off the water from such person:

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he may otherwise have incurred.

Occupier in whose house water is wasted liable to penalty.

141. The occupier of any house or land in which water supplied by the Commissioners under this Act is, from negligence or other circumstances under the control of the said occupier wasted, or in whose house or land the pipes, works,

and fittings for the supply of water shall be found to be out of repair to such an extent as to cause any waste of water, shall be liable to a fine not exceeding twenty rupees.

Person causing waste of water liable to penalty.

142. Any person causing waste of water supplied by the Commissioners shall be liable to a fine not exceeding five rupees.

Commissioners at their discretion may allow person outside the Town to take water.

143. It shall be within the discretion of the Commissioners to allow any person not residing within the limits of the Town to take or be supplied with water for his domestic use on such terms as the Commissioners in meeting, other than an ordinary meeting, may from time to time prescribe.

Penalty.

And any person taking or causing to be taken for use outside the limits of the Town water supplied by the Commissioners, without the permission of the Commissioners, shall be liable to a fine not exceeding fifty rupees.

Person executing any work for laying on water must hold a license from the Commissioners.

144. It shall not be lawful for any person to execute any work in connection with the laying on of water from any service pipes of the Commissioners to any house or land, unless he shall hold a license from the Commissioners authorizing him to act as a plumber under such rules and regulations as the Commissioners may from time to time lay down, and which shall be printed on the back of his license.

Penalty.

Any person licensed by the Commissioners as a plumber, who shall infringe or break any rules or regulations under which he holds his license, shall be liable to have his license at once cancelled by the Commissioners, and shall also be liable to a fine not exceeding twenty rupees.

Owner or occupier when not entitled to demand a connection with the Commissioners' service pipes.

145. Any owner or occupier of any house or land who shall cause or allow works, pipes, or fittings for the supply of water from the service pipes of the Commissioners to be executed by any person other than a plumber licensed by the Commissioners shall not be entitled to demand a connection with the Commissioners' service pipes.

Before connection Engineer of the Commissioners to cause all works and pipes to be inspected.

146. Before a connection for the supply of water from the service pipes of the Commissioners to any house or land is sanctioned by the Commissioners, the Engineer of the Commissioners shall cause all the works, pipes, and fittings within the said house or land to be inspected by a duly qualified officer; and the cost of such inspection shall be payable in

advance at such rates as the Commissioners in meeting, other than an ordinary meeting, shall from time to time direct, by the person applying for the said connection; and until the Engineer of the Commissioners shall have certified that the said works, pipes, and fittings have been executed and put up in a satisfactory manner, a connection with the Commissioners' service pipes shall not be permitted.

Connection with service pipes to be executed only by an officer of the Commissioners.

147. The connection with the service pipes of the Commissioners, as also the laying of supply pipes under any public road or thoroughfare, shall be executed by an officer of the Commissioners authorized in that behalf and by no other person; and the expense of making such connection shall be payable in advance by the person applying for the same at such rates as the Commissioners in meeting, other than an ordinary meeting, shall from time to time direct.

Penalty on licensed plumber who executes works badly.

148. If any licensed plumber shall execute any works or put up any fittings within any house or land for the supply of water from the pipes of the Commissioners in a careless and negligent manner, or make use of bad materials or fittings, the said licensed plumber shall be liable to a fine not exceeding twenty rupees, and upon a third conviction shall be liable to have his license cancelled at the discretion of the Commissioners.

Obstructing or diverting water.

149. Any person who shall unlawfully flush, draw off, divert, or take water from any water-works belonging to, or under the management or control of, the said Commissioners, or from any water or streams by which such water-works are supplied, shall be liable to a fine not exceeding one hundred rupees.

Power to require owner to provide works for water-supply.

150. Any occupier holding direct from the owner of any house may, by notice in writing signed by him, require the owner of such house to perform all such necessary works as may be required for bringing into such house a supply of water for domestic use.

Every such notice shall contain an agreement on the part of such occupier to pay interest at the rate of one per centum per mensem, calculated from the date of the completion of the works, on the cost of such works during the residue of his term of occupation:

Provided that, if the house and the premises belonging thereto shall not abut upon some street in which there is a supply-main, such occupier shall, in the agreement, undertake to pay the cost of connecting the house with the nearest supply-main.

151. If any owner shall not, within the space of three months from the service of such notice as is mentioned in the last preceding section, cause such necessary works as aforesaid to be completed, the occupier who shall have given such notice may cause the same to be completed, and may deduct from the rent payable by him the cost of such works, save so much of such cost as may be incurred in connecting with a supply-main any house and premises belonging thereto which may not abut upon a street in which there may be a supply-main; and such deduction shall be made by six equal monthly instalments.

Power to occupier to make works in default of owner.

Interest on each such instalment shall be payable to the owner by the occupier at the rate of one per centum per mensem, from the time when it shall have been so deducted.

152. The supply of water to a house shall not be deemed sufficient for domestic use unless it provides two taps in each floor of such house, one other such tap in the cook-room of or attached to such house, and one other such tap in the premises, or in or near the stables belonging to such house, and the necessary works for such taps.

What works to be made for a house.

But if the annual rent of such house, with the land attached thereto, shall be less than three hundred rupees, it shall be sufficient to provide one tap only within the said premises, and the necessary works for the same.

153. No works for introducing a supply of water to any house shall be commenced by the owner without sending a specification and estimate of the cost thereof to the occupier, nor by the occupier without sending such specification and estimate to the owner.

Estimate and specification of works to be sent.

154. In case there shall be any difference between the owner and the occupier respecting the cost or the sufficiency of the proposed works, either the owner or the occupier may refer such difference to the Commissioners, and the written award of the Engineer of the Commissioners, or of any officer authorized by them in that behalf, shall be binding on the owner and the occupier.

Power to refer to arbitration.

155. There shall be payable to the Commissioners in respect of every such reference, a fee at the rate of two rupees for every hundred rupees of the monthly rent of the house or land in respect of the water-supply to which the difference may have arisen:

Fee on reference.

Provided that such fee shall in no case exceed ten rupees, and shall be paid by the person making the reference.

Owner to keep works in repair.

156. Except in the case of a special agreement to the contrary, the owner of any house or land shall bear the expense of keeping all works connected with the supply of water to such house or land in substantial repair;

provided that nothing in this section shall affect the liabilities of parties under leases executed or made previous to the commencement of this Act.

Power of recovery by owner of sums payable.

157. Any owner, to whom any sum is payable under sections one hundred and fifty and one hundred and fifty-one, may recover such sum from the person liable to pay the same as if the same were rent payable by such person for the house in respect of which the expenses have been incurred.

Tanks, &c., vested in the Commissioners.

158. All public tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps, and other water-works, whether made, laid, or erected, at the cost of the Commissioners or otherwise, and all bridges, buildings, engines, works, materials, and things connected therewith, or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank, shall become vested in the Commissioners.

Water fouled by offensive trades.

159. If any person, being the proprietor of any gas-works,

or being engaged or employed in the manufacture or supply of gas,

or being the occupier or owner of any place where an offensive trade or manufacture is carried on,

willfully does any act connected with the said business whereby the water in any stream, tank, reservoir, well, cistern, conduit, aqueduct, or other water-works belonging to the Commissioners is fouled or corrupted, the Commissioners may, after twenty-four hours' notice in writing, lay open and examine any pipes, conduits, and works belonging to such person;

and if, upon such examination, it appears that the water has been fouled or corrupted by anything proceeding from, or contained in, the pipes, conduits, or works examined, the expenses of such examination shall be paid by the person to whom such pipes, conduits, or works belong, or under whose management or control they may be;

but if it appear that the water has not been so fouled or corrupted, then such expenses, and all damages occasioned by the examination, shall be paid by the Commissioners.

160. The water-rate and all moneys collected, received, or recovered for or in respect of the supply of water, or the execution of works, and all fines connected therewith, or in any respect relating to the water-supply, shall be applied by the said Commissioners

Application of rates and monies received from the supply of water.

in defraying the expense of making, extending, or maintaining the water-works,

in paying the interest of money borrowed for the water-works,

and in the liquidation of debts incurred in connection therewith, or for some other purpose connected with the supply of water.

CHAPTER VII.

Of the Police Budget.

161. The Commissioner of Police shall, on or before the first day of September in each year, transmit to the Commissioners a budget or estimate of the expense of the Police force for the year commencing on the first day of January then next ensuing.

Commissioner of Police to prepare budget.

162. The police budget shall show the various heads of the estimated expenditure of the Police force, and the intended distribution of the Police force during the year to which it relates.

Form of budget.

163. The Chairman shall forthwith, upon the receipt of any such budget, cause the same to be printed, and a copy thereof, as far as may be practicable, sent by post or otherwise to each of the Commissioners resident within twenty miles of Government House; and shall lay every such budget before the Commissioners at the next quarterly meeting of the Commissioners, or at a special general meeting.

Chairman to lay the budget before the Commissioners.

The Commissioners shall thereupon forward such budget to the local Government, with such remarks as to them may seem fit, and it shall be in the discretion of the local Government to pass, or to reject, or to modify, the estimates of all or any sums entered in the same.

164. If, during any period for which a police budget shall have been passed and submitted as aforesaid, it shall appear that the amount provided by such budget is insufficient to defray the necessary expense of the Police force for such period, the Commissioner of Police may prepare a supplemental budget for such period, and the provisions of the three last preceding sections shall apply to such supplemental budget.

Power to bring in a supplemental budget.

Amount of estimates to be paid to Government.

165. The amount of the estimates passed shall, after deducting therefrom such amount as may, from time to time, be allowed by the Government from the general revenues towards the maintenance of the Police force, be paid to the local Government, or to such officer as the local Government may from time to time direct, by the Commissioners out of the annual proceeds of the Police rate; and it shall not be lawful for the Commissioners to expend from the said proceeds any sums for purposes other than those provided in the budget of the Commissioner of Police, and duly sanctioned by the local Government under section one hundred and sixty-three.

Commissioner of police to give accounts of police expenditure.

166. On or before the first day of April in every year, the Commissioner of Police shall present to the Chairman, to be laid before the Commissioners at their next monthly meeting, an account of the expense of the police force for the year ending the thirty-first day of December then next preceding, and in case the amount which shall during such year have been paid to the local Government under the provisions hereinbefore contained shall not have been expended in the maintenance of the Police force, the balance remaining unexpended shall be deemed to have been paid by the Commissioners in or towards discharging the expense of the Police force during the ensuing year.

CHAPTER IX.

Of the System of Drainage for the Town and its Environs.

Commissioners to drain the Town.

167. The Commissioners may carry out such a complete system of sewerage and drainage within the Town as they may think fit, subject to the approval of the local Government, and to such alterations as may from time to time be ordered by it.

Local Government may declare environs within the drainage system.

168. The local Government may determine what portions, if any, of the environs of the Town shall be included in the said system of sewerage and drainage, and may declare the boundaries thereof in the *Calcutta Gazette,* and for the purposes of the drainage-rate the land within such boundaries as aforesaid shall be deemed to be part of the Town.

CHAPTER X.

Of the Registration of Births and Deaths.

Commissioners may keep a register of births and deaths, and appoint registrars.

169. The Commissioners shall keep in their office a register of all births and deaths in the Town, and for this purpose shall divide the Town into such and so many districts as they shall think fit, and for every such district shall appoint a person to be a registrar of births and

deaths within such district; and the Commissioners shall at each burning ghât and native burial ground appoint a sub-registrar for the registration of all corpses brought to such burning ghât or burial ground for cremation or interment.

Every registrar to live in his district; list of registrars to be published, &c.

170. Every registrar shall dwell within the district of which he is registrar, and every sub-registrar shall dwell in the vicinity of the burning ghât or native burial ground for which he is appointed; and they shall cause their names, with the addition of registrar for the district, or sub-registrar for the burning ghât or native burial ground for which they shall be so appointed, to be placed in some conspicuous place on or near the outer door of their own dwelling-houses; and the Commissioners shall cause to be printed and published a list containing the name and place of abode of every registrar and sub-registrar in the Town.

Commissioners to have register books prepared and numbered.

171. The Commissioners shall cause to be prepared and printed a sufficient number of register books for making entries of all births and deaths which may take place in the Town, according to the forms prescribed in the eighth and ninth schedules, and the pages of such books shall be numbered progressively from the beginning to the end.

Registrar to inform himself and register births and deaths

172. Every registrar shall inform himself of every birth and of every death which shall happen in his district, and shall ascertain and register, as soon as conveniently may be after the event, without fee or reward, the particulars required to be registered according to the forms in the eighth and ninth schedules respectively touching every such birth and every such death, as the case may be, which shall not have been already registered, every such entry being made in order from the beginning to the end of the book.

Information of birth to be given within eight days.

173. The father or mother of every child born in the Town, or in the case of the death, illness, or absence, or inability of the father and mother, the occupier of the house in which such child shall have been born, shall, within eight days after the day of the birth, give information to the registrar of the district, according to the best of his or her knowledge and belief, of the several particulars by this Act required to be known and registered touching the birth of such child.

Information of death to be given.

174. Some one of the persons present at the death, or in attendance during the last illness, of every person dying in the Town, or in case of the death, illness, inability, or default of all such persons, the occupier of the house, or if the occupier be the

person who shall have died, some person living in the house in which such death shall have happened, shall forthwith give information to the registrar of the district, or sub-registrar at the burning ghât or burial ground, according to the best of his or her knowledge and belief, of the several particulars hereby required to be known and registered touching the death of such person;

provided that, in lieu of the information hereinbefore stated, in the case of persons dying in any hospital, it shall be the duty of the medical officer in charge forthwith to send a notice in writing to the Commissioners in the form prescribed in the ninth schedule of the occurrence of any death in the hospital under his charge.

Penalty.

175. Any person whose duty it shall be to give information to a registrar or sub-registrar under the two last preceding sections, who shall refuse or neglect to give such information, or who shall give false information, shall be liable to a fine not exceeding twenty rupees.

Person giving information to sign the register.

176. Every person by whom the information contained in any register of births or deaths under this Act shall have been given shall sign in the register his name, description, and place of abode; and no such registration shall be deemed to be complete or of any effect until such person shall have so signed it;

provided that the registrar may fill up and sign the register for any person who is unable to write;

provided further, that in the case of a person dying in any hospital the registration of the death shall be deemed to be complete on receipt by the Commissioners of the written notice from the medical officer in charge of the said hospital prescribed in section one hundred and seventy-four.

Corpse must be accompanied by a certificate before it is buried or burnt.

177. It shall not be lawful for any sexton, keeper of a cemetery, burial ground, or burning ghât to bury, burn, or allow to be buried or burned, any corpse, unless the said corpse is accompanied by a certificate in the form specified in the ninth schedule, and signed by a registrar or sub-registrar appointed under section one hundred and sixty-nine, or by a medical officer.

Penalty.

178. Whoever buries, burns, or allows to be buried or burnt, a corpse without the certificate mentioned in the last preceding section shall be liable to a fine not exceeding one hundred rupees.

OF TAKING A CENSUS.

179. At such times and in such manner as the Commissioners may from time to time appoint, an account shall be taken of the number of persons who at the time of taking such account shall be within the Town, and the persons employed in taking such account shall set down the several particulars respecting the same which are hereinafter prescribed.

Account of population to be taken.

180. The Chairman or Vice-Chairman shall superintend the taking of such account, and shall cause to be prepared and issued for the use of the persons to be employed, such forms and instructions as he shall, with the sanction of the local Government, deem necessary; and the expenses thereby incurred shall be paid out of the Municipal Fund.

Chairman or Vice-Chairman to superintend the taking of an account of the population.

181. Each police division of the Town shall be formed into one or more enumeration districts.

Enumeration districts.

182. At such times as shall be appointed under section one hundred and seventy-nine, and as shall be notified in the *Calcutta Gazette* by the local Government, every occupier of a dwelling-house, or of any part of a dwelling-house distinctly occupied, and every person to whom a form, as mentioned in section one hundred and eighty-four, may have been delivered, shall afford such information in regard to all persons who were abiding in his house, or in the place under his charge, on the night immediately preceding, and in such manner as may under this Act be required of them.

At the appointed time occupiers of houses shall give the required information.

183. The Chairman shall select a sufficient number of competent persons to act as enumerators; and every such enumerator, under the direction of the Chairman, shall visit every house within his district, and, except as hereinafter provided, shall take an account in writing of the name, sex, age, caste, nationality, and occupation of every living person who shall abide therein on the night immediately preceding the day appointed as aforesaid, and shall also take an account of the occupied houses, and the houses then being built and therefore uninhabited, and also of all other uninhabited houses within his district, and in all respects conform to, and obey, the instructions which may be issued to him by the Chairman in this behalf;

Persons to be employed as enumerators.

provided that, in the case of females, no account shall be taken either of their name or age.

184. The Chairman, when he deems such a course to be advisable, may cause such a form as shall be sanctioned by the Commissioners in meeting, subject to the approval of

Forms for Census.

the local Government, to be delivered to any occupier of any dwelling-house who may be able to write, and such occupier shall fill in all the particulars required in the form on the day to be appointed, and shall deliver the same to the person authorized to demand the same.

Military and naval officers and certain others, if required, to act as enumerators.

185. Any military or naval officers in command of bodies of military or naval men, or of vessels of war, or any master of a merchant vessel, or nacodah, or tindal of a vessel or boat, or any person in charge of a lunatic asylum, hospital, or prison, or of any public or private charitable or scholastic institution, or any keepers of hotels or lodging-houses, shall, if required, act as enumerators for the purpose of taking account of persons under their command or charge, or abiding in their houses, on the night immediately preceding the day to be appointed.

Penalty.

186. Whoever, being required under section one hundred and eighty-four to fill in any form, or under section one hundred and eighty-three to act as an enumerator, fails so to do, shall be liable to a fine not exceeding one hundred rupees for every such offence.

Every person so required to act as an enumerator shall receive and conform to all instructions in writing which may be issued to him by the Chairman in that behalf.

Returns of houseless persons.

187. The Chairman shall obtain, by such ways and means as shall appear to him best adapted for the purpose, and as shall be sanctioned by the Commissioners in meeting, returns of the particulars required by this Act with respect to all houseless persons, and all persons who, during the said night immediately preceding the day to be appointed, were on out-door night duty, or for any other reason were not abiding in any house of which account is to be taken by the enumerators.

Enumerators to fill in for those unable to write.

188. The enumerators shall fill in all forms for those persons who are unable to write.

CHAPTER XI.

Of Conservancy and Improvement.

Part I.— *Of the Streets.*

Public streets vested in the Commissioners.

189. All public streets in the Town (not being the property and kept under the control of the Government) and the pavements, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such streets, shall vest in and belong to the Commissioners.

190. The Commissioners, making due compensation to the owners and occupiers of any houses or land which may be required for any such purposes, may

Power to make and improve streets.

(*a*) lay out and make new streets;

(*b*) build and construct new bridges;

(*c*) turn, divert, discontinue, or stop up any public street; and

(*d*) widen, open, enlarge, or otherwise improve any such street.

For the purposes of this section, the Commissioners in meeting may purchase any land necessary for houses and buildings to form any public street, or for the improvement of any public street.

191. The Commissioners shall, so far as the Municipal Fund permits, from time to time cause the public streets to be maintained and repaired, and for such purpose may do all things necessary for the public safety and convenience.

Maintenance and repair of public streets.

192. The Commissioners shall cause the public streets of the Town to be sufficiently lighted, and the sum applicable annually to the current expenses of lighting the said streets shall be the gross proceeds of the said lighting-rate and no more; but the Commissioners may expend, out of the Municipal Fund, such further sums as may from time to time be requisite for the purchase, setting up, cleaning and maintenance of lamps, lamp-posts, pipes, and other necessary apparatus.

Gross proceeds of lighting-rate to be applied for purposes of lighting.

193. The Commissioners shall cause the public streets to be regularly swept and cleansed; and the dust, dirt, filth, and refuse of every kind whatsoever found thereon to be collected and removed.

Cleansing streets.

194. The Commissioners may cause any number of moveable or fixed dust-boxes or other convenient receptacles, wherein dust, dirt, filth, and refuse, arising from the ordinary domestic use of houses, may be temporarily deposited until removed and carried away, to be provided and placed in proper and convenient situations, and may require the occupiers of houses in public streets to cause all such matter as aforesaid to be deposited daily, or otherwise periodically, in such receptacles and between such hours as they may from time to time direct.

Dust-boxes in streets.

195. Every person who, after such receptacles have been provided, and after such requisition as above mentioned, shall deposit or cause or permit to be deposited, any such matter in any public street, except in such receptacles, shall be liable to a fine not exceeding ten rupees.

Penalty.

196. Whoever deposits, or suffers to be deposited, any dust, dirt, filth, or refuse of any kind whatsoever, in any public street, or on any public quay, jetty, ghât, or landing place, or on any part of the river bank, whether above or below high-water mark, except in such places, and in such manner, and at such hours, as shall be fixed by the Commissioners, shall be liable to a fine not exceeding ten rupees for every such offence.

Penalty for depositing dirt in public street, etc.

197. Whoever causes or allows the water of any sink or sewer, or any other offensive liquid matter belonging to him or being in his house or land, to run, drain, or be thrown or put upon any street (public or otherwise), or causes or allows any offensive matter from any sewer or privy to run, drain, or be thrown into a surface drain in any street (public or otherwise), shall be liable to a fine not exceeding ten rupees for every such offence.

Penalty for allowing sewerage to flow on streets.

198. The Commissioners shall, so far as the Municipal Fund permits, and so far as they may deem requisite for the public convenience, cause the chief public streets to be watered, and for that purpose may provide such works and engines as they may think necessary.

Watering streets.

199. Whoever builds any wall, or erects or sets up any fence, rail, post, or other obstruction or encroachment in any public street, or in or over any drain, sewer, or aqueduct after the commencement of this Act, shall be liable to a fine not exceeding one hundred rupees; and the Commissioners shall have power to remove any such obstruction or encroachment, as also all walls, fences, rails, posts, or other obstruction or encroachment erected in any public street, or in or over any open drain, sewer, or aqueduct, subsequent to the first of June in the year one thousand eight hundred and sixty-three, and the expense of such removal shall be paid by the person erecting the same, and shall be recoverable as hereinafter provided.

Penalty for making obstructions in public streets.

Nothing herein contained shall prevent the Commissioners from allowing any temporary erections in any public street on occasions of festivals and ceremonies, or for building purposes.

Temporary erections on occasions of festivals, &c.

200. Every person who wishes to make or lay out any new street shall give notice in writing thereof to the Commissioners, showing the intended level and width of such street, and the level and width of every such street shall be fixed or approved by the Commissioners;

Private persons laying out new streets.

and the Commissioners may, if they think fit, cause any such street laid out or made at a level or width otherwise than in accordance with the level or width so fixed or approved as aforesaid to be altered;

or may cause any house erected in any such street otherwise than in accordance with such level and width to be altered, or, if necessary, removed;

and the expenses thereby incurred shall be paid by the person offending.

If no such level or width be fixed, and no approval or disapproval of the level or width proposed be signified by the Commissioners within one month from the delivery of the aforesaid notice at the office of the Commissioners, the intended street may be laid out and made upon the level and of the width specified in the notice.

Penalty.

201. Whoever lays out, makes, or builds upon any such street, otherwise than in accordance with the level and width so fixed or approved, shall be liable to a fine not exceeding five hundred rupees.

Paving, &c., of streets.

202. If any street or any part thereof be not levelled, paved, metalled, flagged, channelled, and sewered to the satisfaction of the Commissioners, they may, by notice in writing to the respective owners or occupiers of the land fronting, adjoining, or abutting upon such parts thereof as may need to be levelled, paved, metalled, flagged, channelled, and sewered, require them to level, metal, pave, flag, channel, and sewer the same within a time to be specified in such notice; and upon non-compliance, the Commissioners may, if they think fit, execute the works mentioned or referred to therein;

and the expenses thereby incurred shall be paid by the owners in default according to the frontage of their respective lands, and in such proportion as shall be settled by the Commissioners or, in case of dispute, as shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses;

provided that, after such street shall have been so levelled, paved, metalled, flagged, channelled, and sewered on the requisition of the Commissioners, or by the Commissioners as aforesaid, at the expense of the owners, such owners shall have a right to require that the street shall be declared a public street, to be from time to time repaired by the Commissioners out of the Municipal Fund.

Certain streets to be deemed public and repaired by the Commissioners.

203. If any street be levelled, paved, metalled, flagged, channelled, and sewered to the satisfaction of the Commissioners, they may, if they think fit, and if three-fourths of the owners of houses in such street signify in writing their consent thereto, by notice in writing put up in any

part of such street, declare the same to be a public street, and thereupon the same shall become a public street, and be from time to time repaired by the Commissioners out of the Municipal Fund.

Names of public streets.

204. The Commissioners in meeting shall, from time to time, cause to be put up or painted on a conspicuous part of some house, wall, or place, at or near each end, corner, or entrance of every public street, the name by which such street is to be known;

Penalty.

and whoever destroys, pulls down, or defaces any such name, or puts up any name different from that put up by order of the Commissioners, shall be liable to a fine not exceeding twenty rupees.

Numbers on houses.

Penalty.

205. The Commissioners may from time to time fix a number in a conspicuous place on the outer side of any house, or at the entrance of the enclosure thereof; and whoever destroys, pulls down, or defaces any such number shall be liable to a fine not exceeding twenty rupees.

Doors not to open outwards.

206. All doors, gates, bars, and ground-floor windows (whether hung or placed before or after the commencement of this Act) which open upon any public street, shall be hung or placed so as not to open outwards and cause obstruction;

and if any such door, gate, bar, or window be hung or placed so as to open outwards on any such public street, the owner of the house or land to which the same is attached shall, within eight days after notice from the Commissioners to that effect, cause the same to be altered so as not to open outwards; and if he neglects so to do, the Commissioners may make such alteration, and the expenses thereby incurred shall be paid by such owner.

Troughs and pipes to be fixed to houses. Penalty.

207. The owner of every house in any public street shall, within fifteen days after notice from the Commissioners, put up and keep in good condition proper troughs and pipes for catching and carrying the water from the roof and other parts of such house, and for discharging the same in such manner as the Commissioners shall direct; and in default of compliance with such notice within the period aforesaid, such owner shall be liable to a fine not exceeding ten rupees for every day that he shall so make default.

Projections erected in future from houses to be removed.

208. The Commissioners may give notice in writing to the owner or occupier of any house to remove or alter any projection, encroachment, or obstruction, which, after the commencement of this Act, shall be erected or placed against or in front of such house, or which has been so erected or placed subsequent to the first of June in the year one thousand eight hundred and sixty-

three, and such owner or occupier shall, within fifteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a fine not exceeding two hundred rupees; and the Commissioners in such case may remove such projection, encroachment, or obstruction, and the expense of such removal shall be paid by the owner or occupier so making default, and shall be recoverable as hereinafter provided;

provided that, when the expense shall have been paid by the occupier, except in the case in which such projections, encroachments, or obstructions were made or put up by him, such occupier shall be entitled to deduct the expense of removing or altering the same from the rent payable by him to the owner of the house.

Removal of existing projections from houses.

209. The Commissioners may cause any projection, encroachment, or obstruction erected or placed against, or in front of, any house in any public street previous to the first of June in the year one thousand eight hundred and sixty-three, to be removed or altered as they think fit; provided that they give notice of such intended removal or alteration to the occupier of the house against, or in front of which such projection, encroachment, or obstruction shall be, thirty days before such alteration or removal is begun;

Compensation.

and if such projection, encroachment, or obstruction shall have been lawfully made, they shall make reasonable compensation to every person who suffers damage by such removal or alteration; and if any dispute shall arise touching the right of any person to compensation when the right thereto is disputed and the amount thereof, or touching the amount of such compensation when the right thereto is admitted, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Commissioners may allow certain projections from houses.

210. The Commissioners may give permission in writing to the owners or occupiers of houses abutting on any public street or drain or sewer to put up verandahs, balconies, sunshades, weatherframes, and the like, to project from any upper story thereof over any public street or drain or sewer.

Roofs and external walls of huts not to be made of inflammable materials.

211. The external roofs and walls of huts or other buildings erected or renewed within the Town, after the commencement of this Act, shall not be made of grass, leaves, mats, or other such inflammable materials; and it shall not be lawful for the owner of any hut or other building in or near any street (public or otherwise) now having an external roof or wall

made of any such material, and which is contiguous to or adjoining to any other building, to suffer such roof or wall to remain after the commencement of this Act unless with the consent in writing of the Commissioners;

Penalty.

and whoever makes any external roof or wall of such materials, or suffers any roof or wall made of such materials to continue contrary to the provisions herein contained, and who shall not remove or alter the same within one month after notice given to him for that purpose by the Commissioners, shall be liable to a fine not exceeding ten rupees for every day that such roof or wall shall continue.

Commissioners may direct hedges to be trimmed.

212. The Commissioners may give notice to the owner or occupier of any house or land to trim or prune the hedges thereof bordering on any public street to a height not exceeding seven feet;

or to cut and trim trees overhanging any public street and obstructing the same or causing damage thereto;

and if such notice is not complied with within three days from the date thereof, the Commissioners may cause such hedges and trees to be cut in the manner required, and the expenses thereby incurred shall be paid by the owner of the house or land.

No one to deposit materials or make hole in a public street.

213. No person shall deposit any building materials or make a hole in any public street without the permission of the Commissioners in writing; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed, until the materials are removed or the hole is filled up and otherwise made secure; and shall cause the same to be sufficiently lighted at night.

Penalty.

214. Whoever deposits materials or makes a hole without such permission, or fails to fence or enclose and light such materials or hole, or does not remove such materials or fill up such hole when the permission has been withdrawn, shall be liable to a fine not exceeding fifty rupees, and to a further fine not exceeding fifty rupees for each day during which the offence is continued after he has been convicted of such offence.

PART II.—*Of the Drains.*

Public sewers, drains, &c., vested in the Commissioners.

215. All public sewers and drains, and all sewers, drains, tunnels, and culverts, in, alongside, or under the public streets, whether made at the cost of the Commissioners or otherwise, and all works, materials, and things appertaining thereto shall become vested in the Commissioners.

Powers of Commissioners in making public sewers.

216. The Commissioners in making any main or other sewers for the drainage of the Town may, if necessary, carry such sewers through, across, or under any public street, or any place laid out as, or intended for, a street, or any cellar or vault which may be under any of the public streets, and (after reasonable notice in writing in that behalf) into, through, or under any land whatsoever, making full compensation for any damage done thereby; and if any dispute shall arise with respect to the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

This section corresponds with section 151 of Bengal Act VI of 1863, repealed by this Act. The compensation clause under that section made the Justices liable to compensate owners of land, or of any interest in land, through which the drainage-works are authorized to be carried, for any damage caused by any proceedings in such works. It was held to apply to cases where the works have been done with due care and skill, and where, but for the Act, there would have been a right of action against the Justices.—JUSTICES OF THE PEACE FOR CALCUTTA *vs.* THE ORIENTAL GAS COMPANY, 8 B. L. R., 433.

Commissioners to repair and alter and close sewers.

217. The Commissioners shall maintain, and from time to time repair, and, as they think fit, enlarge, alter, arch over, or otherwise improve all or any of the sewers and drains vested in them:

and may discontinue, close up, or destroy such of them as they may deem useless or unnecessary.

If by reason of anything done under this section any person is deprived of the lawful use of any sewer or drain, the Commissioners shall, at a place within one hundred feet of the sewer or drain of the use of which he is deprived, provide the means of drainage into some public sewer, tidal river, or other place into which the Commissioners are empowered to empty their sewers, and thereupon the owner shall make a drain leading thereunto, of such materials, of such size, at such level, and with such fall as the Commissioners shall direct;

and if he neglect to do so within a reasonable time, the Commissioners may cause the same to be done, and the expenses thereby incurred shall be paid by the owner.

Cleaning and emptying sewers.

218. The Commissioners shall, so far as the Municipal Fund permits, cause the sewers and drains vested in them to be so constructed, maintained, and kept as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied;

and, for the purpose of flushing, cleansing, and emptying the same, may construct and place, either above or underground, reservoirs, sluices, engines, and other necessary works;

and may also, with the sanction of the local Government, cause all or any of such sewers and drains to communicate with, and be emptied into, any tidal river or other fit place, or cause the refuse from such sewers and drains to be conveyed by a proper channel to the most convenient site for its deposit, and may sell the same for any agricultural or other purpose as may be deemed most expedient, but so that the same shall not become a nuisance.

Bed of stream receiving sewerage to be cleared.

219. When the contents of any sewer or drain, or any other flow of filth or refuse, are discharged into any river or stream in the bed or channel of which the quantity of water at any season of the year is so much diminished, by natural or artificial causes, as to be insufficient to keep such channel clean or clear, the Commissioners, with the sanction of the local Government, so far as the Municipal Fund permits, shall make such alteration in the bed of such river or stream as may prevent such sewer and drain-water from spreading over the surface of such bed, or from accumulating and stagnating in parts thereof, to the injury of health or the annoyance of the surrounding population.

Unauthorized drains leading into public sewers may be demolished.

220. If any person, without the written consent of the Commissioners first obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners, the Commissioners may cause such branch drain to be demolished, altered, re-made, or otherwise dealt with as they shall think fit;

and the expenses thereby incurred shall be paid by the person making or altering such branch drain.

Penalty for altering or making unauthorized drains leading into public sewers.

221. Whoever, without the written consent of the Commissioners first obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners by this Act, shall be liable to a fine not exceeding two hundred rupees.

Commissioners empowered to make drains from houses which are not properly drained.

222. If any house or land within the Town, and within a reasonable distance of a sewer fit for use, or of some tidal river or other place at which the Commissioners are empowered to empty their sewers, be at any time not drained to the satisfaction of the Commissioners by sufficient drains or pipes communicating with some sewer, tidal river, or other place as aforesaid, the Commissioners may, if the owner neglects to do so within fifteen days after notice, construct or lay through or from such house or land, covered drains, or pipes of such materials, of such size, at such

level, and with such fall, as they shall think necessary for the complete draining of such house or land ;

and the expenses thereby incurred shall be paid by the owner.

Commissioners may construct certain portions of drains under public drains and streets.

223. The Commissioners themselves may construct and lay down such portions of the drains mentioned in sections two hundred and seventeen, two hundred and twenty-two, two hundred and twenty-five, and two hundred and twenty-six as may be carried through or under any public drain, aqueduct, or street, and the expenses thereby incurred shall be paid by the owner.

Supervision of certain works.

224. The Commissioners may cause the works mentioned in the said sections to be supervised while in progress, and from time to time during their execution order such reasonable alterations therein, additions thereto, and abandonment of part or parts thereof as may to the Commissioners appear, on the fuller knowledge afforded by the opening of the ground, requisite to secure the complete and satisfactory execution of such works as aforesaid.

Group or block of houses, &c., may be drained by a combined operation.

225. If it appear to the Commissioners that a group or block of houses may be drained or improved more economically or advantageously in combination than separately, and a sewer of sufficient size already exists, or is about to be constructed, within one hundred feet of any part of such group or block of houses, the Commissioners may cause such group or block of houses to be drained and improved by a combined operation ;

and the expenses thereby incurred shall be paid by the owners of such houses in such proportions as shall to the Commissioners seem fit.

Sewers in streets to be covered with traps, &c.

226. All sewers and drains in streets (public or otherwise) shall be provided by the Commissioners or by the persons to whom they severally belong with proper traps or other coverings or means of ventilation, so as to prevent stench.

If the owner of any private sewer or drain shall, for ten days after notice given to him by the Commissioners, neglect or delay to provide proper traps or coverings or means of ventilation as aforesaid, the Commissioners may forthwith provide and apply the same ;

and the expenses thereby incurred shall be paid by the owner.

Power of Commissioners to erect or affix to building pipes for ventilation of sewers.

227. The Commissioners may erect on, or fix to, any house such pipes as they may deem necessary for the proper ventilation of the sewers belonging to them, and such pipes shall be carried to a height of not less than six feet above the highest part of the house, and erected so as not to occasion any nuisance or inconvenience to any house in the neighbourhood.

Branch-drains, privies, &c., to be under the control of the Commissioners, and to be kept in good order by owners.

228. All branch-drains, as well within as without the house or land to which they belong, and all privies and cess-pools within the Town, shall be under the survey and control of the Commissioners, and shall be altered, supplied with water, connected with a sewer, repaired, stopped up, demolished, and kept in proper order at the costs and charges of the owner of the house or land to which the same belong, or for the use of which they are constructed or continued;

and if the owner of any house or land to which any such drain, privy, or cess-pool belongs, neglect, during eight days after notice in writing for that purpose, to alter, lay water to, connect with a sewer, repair, stop up, demolish, or put in good order the same, in the manner required by the Commissioners, the Commissioners may cause such drain, privy, or cess-pool to be altered, supplied with water, connected with a sewer, repaired, stopped up, demolished, or put in good order;

and the expenses thereby incurred shall be paid by the owner.

Commissioners may alter any drain, &c., made contrary to their order.

229. If any branch-drain, privy, or cess-pool, be constructed contrary to the directions and regulations of the Commissioners or contrary to the provisions of this Act, or if any person, without the consent of the Commissioners, constructs, rebuilds, or unstops any branch-drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, the Commissioners may cause such amendment or alteration to be made in any such drain, privy, or cess-pool as they think fit;

and the expenses thereby incurred shall be paid by the person by whom such drain, privy, or cess-pool was improperly constructed, rebuilt, or unstopped.

Penalty for persons making or altering drains contrary to the orders of the Commissioners.

230. Whoever constructs any drain, privy, or cess-pool after the commencement of this Act contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this Act, or, without the consent of the Commissioners, constructs, rebuilds, or unstops any drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, shall be liable to a fine not exceeding fifty rupees.

Inspection of drains, privies, and cess-pools.

231. The Commissioners, or any officer authorized by them in that behalf, may inspect any branch-drain, privy, or cess-pool, and for that purpose, at any time between sunrise and sunset, after one hour's notice in writing to the occupier of the house or land to which such drain, privy, or cess-pool is attached, may enter upon such

house or land with such assistants and workmen as are necessary, and cause the ground to be opened where they or he may think fit, doing as little damage as may be ;

and if, upon such inspection, it appears that such drain, privy, or cess-pool is not in good order and condition, or that it has been constructed contrary to the provisions of this Act, the expenses of such inspection shall be paid by the person to whom such drain, privy, or cess-pool may belong ;

but if the drain, privy, or cess-pool be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Act, the Commissioners or officer as aforesaid shall cause the ground to be closed and made good as soon as may be, and the expenses of opening, closing, and making good such drain, privy, or cess-pool, shall in that case be paid by the Commissioners :

Provided that nothing hereinbefore contained shall authorize an entry into any room appropriated for the zenana or residence of women, which by the custom of the country is considered private, unless a notice in writing of not less than four hours be given.

Penalty for throwing rubbish into sewers.

232. Whoever throws or puts, or permits his servants to throw or put, any earth, dirt, ashes, garden, kitchen, or stable refuse, or any broken glass or earthenware, or other rubbish, or, until suitable sewers shall be provided, any night-soil into any sewer or drain belonging to the Commissioners, or into any drain communicating therewith, shall be liable to a fine not exceeding fifty rupees for every such offence, and to a further fine, not exceeding thirty rupees, for each day during which the offence is continued after he has been convicted of such offence.

No latrine to be constructed within fifty feet of a tank.

233. No person shall, without the permission of the Commissioners in writing, construct or keep any latrine, urinal, cess-pool, house-drain, or other receptacle for filth, sewage, house-drainage, or other offensive matter, within fifty feet of any public tank, or a tank which the inhabitants of any locality are entitled to use. Any person upon whose land any latrine, urinal, cess-pool, house-drain, or other receptacle so situated shall be now existing or hereafter constructed, shall remove the same within forty-eight hours of the receipt of a written notice from the Commissioners.

Penalty.

234. Any person failing to comply with the notice mentioned in the last preceding section shall be liable to a fine not exceeding twenty rupees, and to a further fine, not exceeding three rupees, for every day that the latrine, urinal, cess-pool, house-drain, or other receptacle remains within the limits aforesaid.

PART III.—*Of General Conservancy.*

Removal of night soil.

235. The Commissioners from time to time may appoint—

(*a*) the hours within which night-soil or other offensive matter may be removed;

(*b*) the kind of cart or other receptacle in which it may be removed;

(*c*) the route by which such cart or receptacle shall proceed.

Penalty.

236. When the Commissioners have fixed such hours and given public notice thereof, whoever removes or causes to be removed along any street (public or otherwise) any such offensive matter at any time, except within the hours so fixed, and also, whoever at any time, whether such hours have been fixed by the Commissioners or not, uses for any such purpose any cart, carriage, or other receptacle or vessel other than that approved and sanctioned by the Commissioners, or slops or spills any such offensive matter in the removal thereof, or

does not carefully sweep and clean every place in which any such offensive matter has been slopped or spilled, or

places or sets down in any public place any vessel containing such offensive matter,

or drives or takes, or causes to be driven or taken, any cart, carriage, receptacle, or vessel used for any such purpose as aforesaid, through any street (public or otherwise), or by any route other than that, from time to time, by public notice, appointed for that purpose by the Commissioners,

shall be liable to a fine not exceeding twenty rupees for every such offence.

Places of deposit for filth.

237. The Commissioners shall from time to time appoint or provide places for the deposit of dust, dirt, filth, and any other refuse whatsoever collected and removed in accordance with this Act;

and for keeping all cattle, carts, implements and other things required for the above or any of the purposes of this Act.

Penalty.

238. Whoever, being the occupier of any house or land, keeps or suffers to be kept any dirt, dust, filth or refuse of any kind whatsoever for more than twenty-four hours, otherwise than in a proper receptacle, or suffers such receptacle to be in a filthy or noxious state, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding thirty rupees, for each day during which the offence is continued after he has been convicted of such offence.

239. All dirt, dust, filth, and any other refuse whatsoever, collected from the streets (public or otherwise), houses, privies, sewers, and cess-pools shall belong to the Commissioners, who may sell or dispose of the same as they may think proper, and the money arising from the sale thereof shall form part of the Municipal Fund.

Filth and refuse to be the property of the Commissioners.

240. If any house or land, by reason of abandonment, or of disputed ownership, or other cause, shall remain untenanted, and thereby become a resort of idle and disorderly persons,

Power to shut up, secure, clear, and clean deserted houses.

or become in a filthy or unwholesome state,

or be complained of by any two or more of the neighbours as a nuisance,

the Commissioners, after due inquiry, may cause notice in writing to be given to the owner, or to the person claiming or believed to be the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door of the house or some conspicuous part of the land requiring the persons concerned therein, whoever they may be, to secure, enclose, clean, or clear the same;

and if such notice shall not be complied with within eight days, the Commissioners shall cause the necessary work to be executed, and the expenses thereby incurred shall be paid by the owner, or, in case of abandonment or disputed ownership, by the sale of any materials found upon such house or land, and the provisions of section two hundred and sixty-seven shall be applicable to such sales.

241. The Commissioners may provide and maintain in proper and convenient situations, so as not to create a nuisance, common necessaries and urinals, and shall cause the same, when provided, to be kept in proper order and to be daily cleansed.

Common necessaries.

242. The Commissioners may license, for any period not exceeding one year, such necessaries for public accommodation and such tola mehters' depôts as they may from time to time think proper; and may at any time, on giving one month's notice, cancel any license granted under this section, if it shall seem proper to them to cancel it.

Licensing of public necessaries and tola mehters' depôts.

No person shall carry on the business of a tola mehter without obtaining a license from the Commissioners.

243. Whoever keeps any public necessary or any tola mehters' depôt without a license as mentioned in the last preceding section, or having a license, suffers such public neces-

Penalty.

sary or tola mehters' depôt to be in a filthy or noxious state, shall be liable to a fine not exceeding one hundred rupees for every such offence, and to a further fine, not exceeding seventy rupees, for each day during which the offence is continued after he has been convicted of such offence; and whoever shall carry on the business of a tola mehter without obtaining a license from the Commissioners shall be liable to a fine not exceeding twenty rupees.

Commissioners may direct performance of duties usually performed by mehters.

244. The Commissioners in meeting, other than an ordinary meeting, may, by advertisement in at least two of the daily newspapers published within the Town, and by placards posted up in conspicuous places throughout the Town, or any portion thereof, declare that the duties usually performed by tola mehters within the boundaries specified in the aforesaid advertisement shall be performed by an establishment under the control of the Commissioners, and the Commissioners shall make suitable provision accordingly.

When the Commissioners have made such provision, the occupier of any house or land in respect of which such duties are performed shall be liable to pay in respect of the same such fees as may be imposed by the Commissioners in meeting, other than an ordinary meeting, and the said fees shall be recovered from such occupier as a rate under Chapter VI.

Neglecting to enclose private privy.

245. The owner or occupier of any land having a privy on it shall have such privy shut out by a sufficient roof, and wall or fence, from the view of persons passing by or residing in the neighbourhood: and no person shall keep a privy with a door or trapdoor opening on to any street (public or otherwise) or drain.

Penalty.

Every owner or occupier who shall omit to comply with, or shall commit any breach of any of the provisions of this section, shall be liable to a fine not exceeding ten rupees, and to a further fine, not exceeding five rupees, for each day the offence is continued after he has been convicted of such offence;

provided that the Commissioners may, in their discretion, permit the continuance, for such time as they may fix, of any such privy with a door or trapdoor opening on to any street (public or otherwise) where such privy already exists and does not create a nuisance.

Commissioners may cause additional privies to be provided for any land.

246. If the Commissioners think that any privy or additional privy should be provided for any house or land, the owner of such house or land shall, within fourteen days after notice in that behalf by the Commissioners, cause such privy, together with the necessary pipes, drains, and water-

supply, to be constructed in accordance with the requisition of such notice; and if such privy be not so constructed to the satisfaction of the Commissioners within such period, the Commissioners may cause such privy, together with the necessary pipes, drains, and water-supply, to be so constructed, and the expenses thereby incurred shall be paid by the owner.

Milkman, &c., not to keep animals or cattle without license.

247. No milkman, cartman, shepherd, livery stable-keeper, or keeper of hackney carriages, shall keep any animals, sheep, goats, or horned cattle within the Town for the purposes of trade or business, except in a place licensed by the Commissioners.

Such license shall be taken out half-yearly on the first day of January and the first day of July in every year.

It shall be in the discretion of the Commissioners in meeting to grant any such license subject to such conditions as they may think fit, and to impose a fee not exceeding five rupees in respect of the same.

Penalty.

248. Whoever, being a milkman, cartman, shepherd, livery stable-keeper, or keeper of hackney carriages, keeps any animals, sheep, goats, or horned cattle without such license, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

249. Whoever, being the holder of a license under section two hundred and forty-seven, breaks the conditions of such license, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

Pig-styes, sheep, and goats.

250. No person shall keep any pig-stye within the Town to the front of any street (public or otherwise) not being shut out therefrom by a sufficient wall or fence, and no person shall keep within the Town, without the permission of the Commissioners, more than ten pigs or more than twenty sheep or goats.

Penalty.

251. Whoever keeps any pig-stye, pigs, sheep, or goats, contrary to the provisions of the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding thirty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Commissioners breaking up street to restore the same with all convenient speed.

252. When the pavement or surface of any public street, or when any sewer or drain, shall be opened or broken up by the Commissioners, they shall, with all convenient speed, complete the work on account of which the same shall have been broken up, and fill in the ground, and make good the pavement and surface, and the sewer or drain so opened or broken up, and carry away the rubbish occasioned thereby ; and shall in the meantime cause the place where such pavement or surface shall be so opened or broken up to be fenced and guarded and sufficiently lighted during the night.

Situation of gas and water pipes may be altered by the Commissioners.

253. If the Commissioners deem it necessary for the purposes of this Act to raise, sink, or otherwise alter the situation of any water-pipe or gas-pipe, or other water-works or gas-works laid in any street (public or otherwise), they may, from time to time, by notice in writing, require the person to whom any such pipes or works belong or under whose control they may be to cause forthwith, or as soon as conveniently may be, any such pipes or works to be raised, sunk, or otherwise altered in position in such manner as the Commissioners direct.

Alteration not to permanently injure works, and to be done at Commissioners' expense.

Such alteration shall not be such as permanently to injure such works, or to prevent the water or gas from flowing as freely and conveniently as before ; and the expenses attending such raising, sinking, or altering, and full compensation for the damage done thereby, shall be paid by the Commissioners, as well to the persons to whom such pipes or works belong as to all other person.

Settlement of disputes.

And if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

If owner, &c., neglect to make alterations, the Commissioners may cause the same to be made.

254. If the person to whom any such pipes or work as are mentioned in the last preceding section belong, or under whose control they may be, do not proceed forthwith, or as soon as conveniently may be after the receipt of the notice mentioned in the last preceding section, to cause the same to be raised, sunk, or altered in such manner as the Commissioners require, the Commissioners may themselves cause such pipes or works to be raised, sunk, or altered as they may think fit, provided that such works be not permanently injured thereby, or the water or gas prevented from flowing as freely and conveniently as before.

Commissioners may set apart bathing places, &c.

255. The Commissioners may, at their discretion,

set apart any public ghât or place (not being private property, or part of the river or river bank of the Port of Calcutta) for the purpose of being used as a bathing place;

provide or set apart a sufficient number of convenient tanks, or runs of water, for the inhabitants to bathe in;

and set apart tanks or reservoirs, or runs of water, for washing animals or clothes, or for any other purpose connected with the health, cleanliness, and comfort of the inhabitants.

Penalty.

256. Whoever bathes in any public place, except the places provided or set apart under the last preceding section, shall be liable to a fine not exceeding fifty rupees.

Power to fill up unwholesome tanks, &c., on private premises.

257. When any private tank or low marshy ground, or any waste or stagnant water, being within any private enclosure, appears to the Commissioners to be injurious to health or to be offensive to the neighbourhood, the Commissioners may require, by notice in writing, the owner of the same to cleanse or fill up such tank or marshy ground, or to drain off or remove such stagnant water; and if he shall refuse or neglect to comply with such requisition during one month from the service thereof, the Commissioners, their officers, and workmen may enter into the said premises, and do all necessary acts for all or any of the purposes aforesaid as they shall think fit;

and the expenses thereby incurred shall be paid by the owner.

Penalty.

258. Whoever, being an owner of land, fails to comply with the requisition mentioned in the last preceding section shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Power to drain off and cleanse unwholesome tank, &c., on private premises.

259. The Commissioners may from time to time, as they shall think fit, drain off into any sewers belonging to them, and cleanse or fill up any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure) which shall appear to them to be useless or unnecessary, or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or otherwise; and the Commissioners, their officers, and workmen, may do all necessary acts for effecting any of the purposes aforesaid.

Commissioners in executing works to provide proper drains, &c.

260. The Commissioners, in executing any works under this Act, shall provide and make, at their own expense, a sufficient number of convenient ways, water-courses, drains, and channels in the place of such as may be

interrupted, injured, or rendered useless by reason of the execution of such works;

and if any difference arises between the Commissioners and the persons affected thereby, such difference shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Bars to be erected across streets during repairs, and lights placed at night.

261. The Commissioners shall, during the construction or repair by them of any of the streets, sewers, or drains vested in or belonging to them, take proper precaution for guarding against accident, by shoring up and protecting the adjoining houses;

and shall cause such bars, chains, or posts to be fixed across or in any street (public or otherwise), to prevent the passage of carriages, carts, cattle or animals, while such works are carried on, as to them shall seem proper;

and shall cause any sewer, or drain, or other works in streets (public or otherwise), during the construction or repair thereof by them, to be sufficiently lighted and guarded during the night.

Dangerous places near streets to be repaired or enclosed.

262. If any building, tank, well, or hole, or other place be, for want of sufficient repair, protection, or enclosure, dangerous to passengers, or to persons living in the neighbourhood, the Commissioners may, by notice in writing, require the owner of the land to repair, protect, or enclose the same; and if he fails to comply with such requisition during eight days from the service thereof, the Commissioners shall cause the same to be repaired, protected, or enclosed, so as to prevent danger therefrom;

and the expenses thereby incurred shall be paid by the owner of the property so repaired, protected, or enclosed.

Penalty.

263. Whoever, being an owner of land, fails to comply with the requisition mentioned in the last preceding section, shall be liable to a fine not exceeding two hundred rupees, and to a further fine not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted of such offence.

PART IV.—*Of Building Regulations.*

Houses may be set forward for improving lines of public streets.

264. The Commissioners may, upon such terms as they shall think fit, allow any house to be set forward for improving the line of any public street in which such house is situated.

Houses projecting beyond line of street when taken down to be set back.

265. When any house, any part of which projects beyond the regular line of a public street, or beyond the front of the house on either side thereof, has been taken down in order to be rebuilt or altered, the Commissioners may

require the same to be set back to, or towards, the line of the street or the line of the adjoining houses;

provided that the Commissioners shall make full compensation to the owner of any such house for any damage he may thereby sustain; and if any dispute shall arise touching the amount of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

House in a ruinous and dangerous state.

266. If any house, or wall, or anything affixed thereon, be deemed by the Commissioners to be in a ruinous state, or likely to fall, or in any way dangerous to the inhabitants of such house or to the neighbouring houses, or to the occupiers thereof, or to passengers, they shall immediately, if it appears to them to be necessary, cause a proper hoard or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner, if he be known and resident within the limits of their jurisdiction, and shall also cause such notice to be put on the door or other conspicuous part of such house, or otherwise to be given to the occupier thereof (if any), requiring such owner or occupier forthwith to take down, repair, or secure, such house, wall, or thing affixed thereon, as the case shall require.

If owner does not take house down, Commissioners may do so.

If such owner or occupier do not begin to take down, repair, or secure the same within three days after such notice, and complete such work with due diligence, the Commissioners shall cause all or so much of such house, wall, or thing as they shall think necessary, to be taken down, repaired, or otherwise secured; and the expenses thereby incurred shall be paid by the owner.

Sale of materials of ruinous houses.

267. If any such house or wall as is mentioned in the last preceding section, or any part of the same, be taken down as in such section mentioned, the Commissioners may sell the materials thereof, or so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall restore any surplus arising from such sale to the owner of such house or wall on demand.

The Commissioners shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as by this Act are given to them for compelling the payment of the whole of the said expenses.

Notice of new buildings to be given to the Commissioners.

268. Before beginning, within the Town, to build or rebuild any house, the person intending to build or rebuild such house shall give to the Commissioners notice thereof in writing, and shall accompany such notice with a plan,

showing the levels and width at which the foundation and lowest floor of such house are proposed to be laid, by reference to some level ascertained under the direction of the Commissioners.

Commissioners to signify disapproval within fourteen days.

269. Within fourteen days after receiving such notice as is mentioned in the last preceding section, the Commissioners shall signify their approval of the proposed levels and width of foundation, or, if they disapprove thereof, they shall fix other levels and width of foundation in lieu thereof within the same time.

Houses built without notice, or contrary to provisions of this Act, may be altered by the Commissioners.

270. If such building as is mentioned in section two hundred and sixty-eight be begun or made without sending such notice and plan as are mentioned in the said section, or at any levels different from those fixed by the Commissioners within the said fourteen days, or in any other respect contrary to the provisions of this Act, the Commissioners may, if necessary, cause such building to be altered or demolished as the case may require;

and the expenses thereby incurred shall be paid by the person failing to comply with the provisions aforesaid.

If Commissioners fail to signify approval, &c., within fourteen days, parties may proceed without.

271. If the Commissioners fail to signify in writing their approval or disapproval of the levels and width of foundation shown on such plan as is mentioned in the last preceding section, and to fix other levels and width of foundation within fourteen days after receiving such notice and plan as aforesaid, the person giving such notice may, notwithstanding anything hereinbefore contained, proceed to build or rebuild the house therein referred to according to the levels and width of foundation shown on such plan; provided that such building or rebuilding be otherwise in accordance with this Act.

The word "house" in this and the three last preceding sections does not include a hut.

Hoards to be set up during repairs.

272. Every person intending to build or take down any house, or to alter or repair the outward part of any house, where any public street will be obstructed or rendered inconvenient by means of such work, shall, before beginning the same, cause sufficient hoards or fences to be put up, in order to separate the house where such works are being carried on from the street, and shall keep such hoard or fence standing and in good condition, to the satisfaction of the Commissioners, during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night.

Provided that no person shall put up a hoard or fence without the written permission of the Commissioners, and shall not keep up the said hoard or fence for a time longer than allowed in the said written permission.

Penalty.

273. Every person who begins to build, or to take down, or alter, or repair any house contrary to the provisions of the last preceding section,

or who, without license, erects or sets up any hoard, scaffolding, or fence whatsoever,

or who, being licensed, fails to put up such fence or hoard, or to continue the same standing, or to maintain the same in good condition,

or who does not, while the said hoards or fences are standing, keep the same sufficiently lighted during the night,

or who does not remove the same when directed by the Commissioners within eight days,

shall be liable to a fine not exceeding fifty rupees for every such offence, and a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

House over sewers, &c., not to be erected without consent of the Commissioners.

274. No house shall be newly erected over any sewer or drain belonging to the Commissioners without their written consent;

and if any house be so erected, the Commissioners may cause such house to be pulled down or otherwise dealt with as they may think fit;

and the expenses thereby incurred shall be paid by the person so erecting the house.

Level of houses hereafter built within the Town.

275. No house shall be built within the Town upon a lower level than will allow of the drainage of such house or building being led into some public sewer then existing or projected, or into some tidal river or other place into which the Commissioners are empowered to empty their sewers.

Houses hereafter built to have drains constructed under the orders of the Commissioners.

276. If any house newly erected or rebuilt within the Town have such means of drainage as in the last preceding section mentioned existing within one hundred feet thereof, the owner shall make a drain leading thereunto from the site of such house of such materials, of such size, at such level, and with such fall as the Commissioners may direct;

and if he neglect to do so within a reasonable time, the Commissioners may cause the same to be done, and the expenses thereby incurred shall be paid by the owner.

Erection of new huts to be under the control of the Commissioners.

277. It shall not be lawful for any person to erect a hut, or any range or block of huts or sheds, or to add any hut or shed to any range or block already existing at the commencement of this Act, without previous notice to the Commissioners, and the Commissioners may require such huts or sheds to be built, so that they may stand in regular lines, with a free passage or way in front of and between every two lines, of such width as they may think proper for ventilation and to facilitate scavengering, and with such number of privies and with such means of drainage as to them may seem necessary, and at such a level as will admit of such drainage, and with a plinth at least two feet above the level of the nearest public street.

Power to direct removal of huts built without notice.

278. If any such huts or sheds be built without giving such notice to the Commissioners, or otherwise than as required by the Commissioners, the Commissioners may give notice to the owner or occupier thereof, by affixing a notice to some conspicuous part of some one of such huts or sheds, to take down and remove the same within one month, or to effect such alterations as they may deem necessary; and it shall be lawful for the Commissioners, if they shall think fit so to do, to cause the same to be taken down and removed; and the expense incurred thereby shall be paid by the said owner or occupier thereof, and shall be recoverable as hereinafter provided.

Penalty.

279. Whoever erects a hut, or any range or block of huts or shed, or adds to any hut or shed, or to any range or block already existing, contrary to the provisions of section two hundred and seventy-seven, shall be liable to a fine not exceeding one hundred rupees for every such offence, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

PART V.—*Of Sanitary Measures with regard to Blocks of Huts.*

Powers of Commissioners as to inspection of huts.

280. Whenever the Commissioners in meeting, other than an ordinary meeting, are satisfied, from inspection, or by report of competent persons, that any existing block of huts in the Town is, by reason of the manner in which the huts are constructed or crowded together, or of the want of drainage and the impracticability of scavengering, attended with risk of disease to the inhabitants or the neighbourhood, they may cause the locality to be inspected by two medical officers, who shall make a report in writing on the sanitary condition of the said block of huts, and shall specify, if necessary, in the said report the huts which should be removed, the roads, drains, and sewers

which should be constructed, and the low lands which should be filled up, with a view to the removal of the said risk of disease.

On receipt of report Commissioners may cause notice to be served.

281. On receipt of the said report, the Commissioners in meeting, other than an ordinary meeting, may cause a notice to be served upon the owners or occupiers of the huts, or, at the option of the Commissioners, the owner of the land on which such huts are built, requiring them to carry out and execute within a reasonable time, to be fixed by the Commissioners for such purpose, all or any of the works specified in the aforesaid report, or any portion thereof respectively.

Commissioners may carry out works if owners or occupiers refuse.

282. If, after the service of the said notice, such owners or occupiers or the owner of the land, shall refuse or neglect to carry out and execute the said works within the time appointed, the Commissioners may cause all or any of the said works, or any portion thereof respectively, to be executed; and the expenses thereby incurred shall be paid by the owner of the land.

Expenses may be recovered by instalments or remitted in case of poverty.

Provided that the Commissioners in meeting, other than an ordinary meeting, may order the expenses so incurred to be recovered by instalments from the said owner, or, if it should appear to them that the said owner is unable by reason of poverty to pay the same, may order the same, or any portion thereof, to be paid out of the Municipal Fund.

Sale of huts

283. If any of the said huts be pulled down, the Commissioners shall cause the materials of each hut to be sold separately, if such sale can be effected, and the proceeds shall be paid to the owner of the hut; or if the owner be unknown, or the title disputed, shall be held in deposit by the Commissioners until the person interested therein shall obtain the order of a competent Court for the payment of the same.

The Court of Small Causes shall be deemed a competent Court for that purpose.

If Commissioners fail to act, local Government may take steps.

284. In case the Commissioners should omit to take any action under sections two hundred and eighty or two hundred and eighty-one, or in the opinion of the local Government should fail to give effect to the provisions thereof, the local Government may cause any block of huts to be inspected by the Sanitary Commissioner for Bengal, who shall make a report in writing to the local Government on the sanitary condition of the locality; and, in the event of his reporting that the sanitary condition of the locality is such as to be attended with risk of disease to the inhabitants or the neighbourhood, shall

specify the huts which should be removed, the roads, drains, and sewers which should be constructed, and the low lands which should be filled up, with a view to the removal of the said risk of disease.

On receipt of report local Government may order Commissioners to serve notice on owners.

285. On receipt of the said report, the local Government may order the Commissioners to serve a notice on the owners or occupiers of the huts, or on the owner of the land on which such huts are built, requiring them to carry out and execute within a reasonable time, to be fixed by the local Government for such purpose, all or any of the works specified in the said report, or any portion thereof respectively; and upon service of the said notice the Commissioners may proceed as provided in section two hundred and eighty-two, and shall be liable to all or any of the obligations imposed upon them by section two hundred and eighty-three.

If Commissioners make default in carrying out order, local Government may carry it out.

286. If the Commissioners make default in carrying out the said order of the local Government, the local Government may appoint some officer to perform the same, and such officer may exercise such of the powers conferred upon the Commissioners by sections two hundred and eighty-one and two hundred and eighty-two as are necessary for the execution of the said works, and shall be liable to all or any of the obligations imposed upon the Commissioners by section two hundred and eighty-three; and the expenses incurred by such officer in the execution of the said works shall be paid by the owner of the land:

Expenses may be recovered by instalments or remitted in case of poverty.

Provided that the local Government may order the expenses so incurred to be recovered by instalments from the said owner, or, if it should appear to the local Government that the said owner is by reason of proverty unable to pay the same, may order the same, or any portion thereof, to be paid out of the Municipal Fund.

CHAPTER XII.

Of Sanitary Matters.

Part I.—*Of Slaughter-houses, food, drink, drugs, and offensive trades.*

No place to be used as a slaughter-house without a license from the Commissioners.

287. No place shall be used as a slaughter-house within the Town or Suburbs, unless a license in writing for the use thereof as a slaughter-house has been obtained from the Commissioners in meeting, other than an ordinary meeting, who may, at their discretion, from time to time grant such license:

Provided that no such license be granted by the Commissioners for the use of any place situated in the Suburbs as a slaughter-house without the

permission in writing of the Municipal Commissioners of the Suburbs, unless such place has been used as a slaughter-house before the commencement of this Act; and provided further that all fees levied by the Commissioners for licenses to use places situated in the Suburbs as slaughter-houses be paid by the Commissioners to the Municipal Commissioners of the Suburbs.

Commissioners to provide places for slaughter-houses.

288. The Commissioners in meeting, other than an ordinary meeting, may from time to time, if they shall think fit, provide places within or without the Town for the purpose of being used as slaughter-house; and all places within or without the Town heretofore provided by the Commissioners for the purpose of being used as slaughter-houses shall be deemed to have been provided under this section;

provided that the Commissioners shall annually pay one thousand rupees to the Municipal Commissioners of the Suburbs by way of license fee for the slaughter-house established by the Commissioners at Tengrah.

Markets, slaughter-houses, &c., to be properly drained.

289. Every owner, or occupier, or farmer, of any place for the sale of meat, poultry, fish, or vegetables, or of any slaughter-house within the Town, shall cause such drains to be made therein as shall be considered sufficient by the Commissioners, and (if required so to do by the Commissioners) shall cause all the floors and drains to be paved with stone or burnt brick, and shall also cause a supply of water to be provided sufficient for keeping such place or slaughter-house in a clean and wholesome state.

Penalty.

290. If such owner, occupier, or farmer, after notice in writing given to him by the Commissioners that such market or slaughter-house is defective in any of the said particulars, and requiring him to remedy the defect specified within not less than thirty days, makes default therein, he shall be liable to a fine not exceeding fifty rupees for every day during which such default is continued.

Sale of unwholesome food or drink.

291. Any Justice of the Peace, on the application of the Commissioners or any of their officers, setting forth that there is just cause to believe that any article, which has been rendered or has become noxious or unfit for use as food or drink for man, is in the possession of any person for the purpose of being sold, or offered or exposed for sale, may grant a warrant to enter upon the premises of such person and to search for and seize such article;

and if it appear to the said Justice of the Peace that the same is noxious or unfit for such use, he shall order it to be forfeited and disposed of in such way as to him shall seem proper.

Power to Commissioners to enter and inspect markets, shops, &c., and to seize unwholesome articles exposed for sale.

292. The Commissioners, or any person authorized by them in that behalf, may, at all reasonable times, enter into and inspect any market, building, shop, stall, or place used for the sale of meat, poultry, fish, vegetables, corn, bread, flour, wine, spirits, or other food or drink, or as a slaughter-house, and may examine any of the aforesaid articles of food or drink which may be therein; and in case any of the aforesaid articles of food or drink appear to be intended for the food or drink of man, and to be unfit for such food or drink, may seize the same;

and if it appear to a Justice of the Peace that any of the aforesaid articles of food or drink is unfit for the food or drink of man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food.

Suspension or revocation of license, &c.

293. Any Justice of the Peace before whom any person is convicted of an offence contrary to the provisions of this Act relating to slaughter-houses, or of the non-observance of any of the bye-laws relating thereto made under this Act, in addition to the fine which may be imposed on such person under this Act, may suspend, for any period not exceeding two months, the license granted to him under section two hundred and eighty-seven;

and the Commissioners, upon conviction of any person for a second or other subsequent like offence, may cancel his license.

Penalty for using slaughter-houses during suspension or revocation of license.

294. Whoever, during the period for which any such license is suspended, or after the same is cancelled as aforesaid, slaughters cattle, or allows cattle to be slaughtered in the slaughter-house to which such license relates, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the offence is continued after he has been convicted of such offence.

No place to be kept for the sale of drugs unless registered.

295. No place shall be kept for the sale of drugs, unless the same shall have been registered in the office of the Commissioners. Any keeper of such place failing to register the same within two months after the commencement of this Act, shall be liable to a fine not exceeding fifty rupees.

Inspection of drugs.

296. The Commissioners, or any person authorized by them in that behalf, may, at all reasonable times, enter into and inspect any place kept for the sale of drugs, or in which drugs are sold; and if they have reason to suspect that any drug in the said place is adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, may remove the same on giving

a receipt specifying the nature and quantity of the drug removed, and its approximate value; and if it appear to a Justice of the Peace that the said drug, removed as aforesaid, is adulterated as aforesaid, he may order the same to be destroyed or to be disposed of as to him may seem fit.

Compensation if drug not adulterated.

If it shall appear to the said Justice that the drug so removed is not adulterated as aforesaid, the person from whose shop or place it has been taken shall be entitled to have it restored to him, and it shall be in the discretion of the said Justice to award him such compensation as he may think proper, not exceeding the actual loss which has been sustained.

Compensation if drug is not brought before Justice.

If the drug removed as aforesaid is not brought before a Justice of the Peace, it shall be restored to the person from whose shop or place it was taken, and such person shall be entitled to compensation for any actual loss which he may have sustained by the removal of the said drug, and any dispute which may arise touching the amount of compensation to be given shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses.

Certain offensive and dangerous trades carried on within the Town to be registered.

297. The owner or occupier of every place within the Town used for any of the following purposes, namely—

(*a*) melting tallow;

(*b*) boiling offal or blood;

(*c*) as a soap-house;

(*d*) oil-boiling house;

(*e*) dyeing-house;

(*f*) tannery;

(*g*) brick, pottery, or lime kiln;

(*h*) sago-manufactory;

(*i*) manufactory or place of business from which offensive or unwholesome smells arise;

(*j*) or as a yard or depôt for hay, straw, wood, or coal;

shall register the same at the office of the Commissioners in a book to be kept by them for that purpose.

No such trades allowed without license.

298. No place shall be newly used within the Town for any of the purposes mentioned in the last preceding section except under a license from the Commissioners, who may, at their discretion, from time to time grant such license.

299. Whoever, without a license, uses any such place for any such purpose, shall be liable to a fine not exceeding five hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the said offence is continued after he has been convicted of such offence.

Penalty.

300. If it be shown to the satisfaction of the Commissioners that any place licensed under section two hundred and eighty-seven, or two hundred and ninety-eight, or registered under section two hundred and ninety-seven, is a nuisance to the neighbourhood, they may give notice to the occupier to discontinue the use of such place within one month after the date of such notice.

Commissioners may in certain cases order the use of slaughter-houses and the carrying on of dangerous and offensive trades to be discontinued.

301. Whoever, after the expiration of such time, uses such place, or permits it to be used, in such a manner as to be a nuisance to the neighbourhood, shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding one hundred rupees, for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

PART II.—*Of Burial and Burning Grounds.*

302. The Commissioners may, if they think fit, cause a survey and measurement to be made of every burial and burning ground, and every place used as such; and every burial and burning ground, and every place used as such, shall be registered by the owner or the person having the control thereof, or, if there be no owner or person authorized to control the same, by order of the Commissioners, in a book to be kept by them for that purpose.

Burial and burning grounds to be registered.

303. Whoever uses any such place as is mentioned in the last preceding section without the same being registered, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding seventy rupees, for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

304. Whoever knowingly buries or burns, or causes, procures, or suffers to be buried or burned, any corpse in or on any ground not registered as a burial or burning ground, shall be liable to a fine not exceeding one hundred rupees.

Penalty.

305. No vault or grave shall be made within the walls of, or underneath, any church, chapel, or other place of public worship, and no burial or burning ground, whether public or private, shall be opened, made, or formed, otherwise than by, or under the authority of, the

No vault or burial or burning place henceforth to be constructed without leave of the Commissioners.

local Government without a license, describing the extent and boundaries thereof, previously obtained from the Commissioners in meeting, other than an ordinary meeting, who may, at their discretion, from time to time grant such license.

Penalty.

306. Whosoever shall bury or burn, or cause, permit, or suffer to be buried or burned, any corpse in any vault, grave, or burial or burning ground, opened, made, or formed without such license, or contrary to the terms thereof, shall be liable to a fine not exceeding five hundred rupees.

Commissioners to issue certificates prohibiting the use of improper burial and burning places.

307. If the Commissioners in meeting, other than an ordinary meeting, with the sanction of the local Government, shall certify, in manner hereinafter provided, that any burial ground or place of burial, or that any place used for the burning of corpses, is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof;

or that any church or other place of public worship is dangerous to the health of persons frequenting the same, by reason of the state of the vaults or graves within the walls of, or underneath, the same, or in any churchyard or burial ground adjacent thereto;

and shall also certify that a fitting place for interment or burning (as the case may be) exists within a convenient distance and is available, no person shall, after a time (not less than two months) to be named in such certificate, bury or burn, or permit or suffer to be buried or burned, any corpse in, upon, within, or under the ground, church, or place of worship to which the certificate relates, except in so far as may be allowed by such certificate.

Every such certificate shall be published in the *Calcutta Gazette*, and a translation thereof in Bengalee shall, in the case of a burial or burning ground, be affixed conspicuously on some part of the said ground.

Penalty.

308. Whoever, after due publication of such certificate, buries or burns or causes, permits, or suffers to be buried or burned, any corpse contrary to the last preceding section, shall be liable to a fine not exceeding two hundred rupees.

Commissioners may in certain cases permit interment in churches, &c.

309. Notwithstanding any certificate under section three hundred and seven, where, by usage or otherwise, there is any right of interment in or under any church or chapel, or in any vault of such church or chapel, or of any churchyard, burial ground, or place of burial affected by such certificate, or where any exclusive right of interment, or any exclusive right to ground for the purpose of interment, has been purchased or acquired, the Commissioners may, if on application made to them they are satisfied that the exercise of

such right or the use of such ground will not be injurious to health, grant a license for such exercise or use during such time and subject to such conditions and restrictions as they may think fit.

Commissioners may provide places to be used as burial or burning grounds.

310. The Commissioners in meeting, other than an ordinary meeting, may, from time to time, out of the Municipal Fund, with the sanction of the local Government, provide fitting places to be used as burial or burning grounds.

CHAPTER XIII.

Of Markets.

Power to Commissioners to construct markets.

311. The Commissioners in meeting, other than an ordinary meeting, may, from time to time, if they shall think fit, with the sanction of the local Government, provide places within the Town for the purpose of being used as municipal markets, and the Commissioners may charge such rents, tolls, and fees as to them may seem fit for the use of, or right to, expose goods for sale in such markets, and for the use of shops, stalls, and standings therein.

Recovery of fees.

312. All such rents, tolls, and fees which shall be imposed shall be recoverable by the Commissioners from the persons liable to pay the same as if the amounts payable in respect thereof were rates due to the Commissioners from such persons under the provisions of Chapter VI.

Power to Commissioners to acquire land for markets.

313. The Commissioners in meeting, other than ordinary meeting, may from time to time, if they shall think fit, with the sanction of the local Government,

acquire land by purchase, lease, or otherwise, in order to provide places within the Town for the purpose of being used as municipal markets,

and for the like purpose may purchase or take on lease any land now used within such limits as a market, or registered as such, upon such terms, or subject to such conditions as they may consider necessary,

and may appropriate any land now vested in, or belonging to them, and may set out the whole or such parts thereof as they may think necessary for the purposes of such municipal markets,

and thereupon from time to time may build and maintain such municipal markets, and such stalls, sheds, pens, and other buildings or conveniences for the use of the persons frequenting such municipal markets, and for the weighing and measuring goods sold in such municipal markets and on such land as aforesaid, or on other land purchased for that purpose,

and may make and maintain all such roads and approaches thereto as they may think necessary ;

and from time to time, in addition to the bye-laws provided in Chapter XVI, make such bye-laws as they may think fit for all or any of the following purposes :—

and to make bye-laws.

(*a*) for regulating the control and use of such markets, and the buildings, stalls, pens, and standings therein, and for preventing nuisances or obstructions therein, or in the immediate approaches thereto;

(*b*) for preventing the use therein of false or defective weights, scales, or measures;

(*c*) for preventing the sale, or exposure for sale therein, of unwholesome meat, fish, or provisions;

(*d*) for the establishment and publication of a price-current, and for prescribing the mode of sale of articles, whether by measure, weight, tale, or piece;

(*e*) for keeping such markets in a cleanly and proper state, and for removing filth and refuse therefrom.

314. The Commissioners may expel from any such municipal market any person who, or whose servants, may be convicted of disobeying any bye-law made under the last preceding section, and may prevent such person, by himself or his servants, further carrying on any trade or business in such market, or occupying any stall or shop therein, and may determine any lease or tenure which such person may have in any such stall or shop.

Power to expel persons breaking regulations.

315. The Commissioners in meeting, other than an ordinary meeting, may sell or let to tenants on lease, or otherwise, on such terms as they may think fit, any municipal market, or any part thereof, and may do all things necessary for carrying the provisions of this section into effect.

Power to Commissioners to sell or let markets.

316. The Commissioners in meeting, other than an ordinary meeting, may close any municipal market, or any part thereof, or sell, or let out to tenants, on lease or otherwise, any land heretofore used as a municipal market, or any part thereof, on such terms as they may think fit, and may do all things necessary for carrying the provisions of this section into effect.

Power to Commissioners to close markets, or to sell or let land formerly used as markets.

317. The Commissioners in meeting, other than an ordinary meeting, may, out of the Municipal Fund and out of the moneys borrowed under the provisions of this Act, and out of monies derived from the rents of buildings, stalls, pens, or standings in any municipal market, and from any fees realized from any municipal

Power to Commissioners to carry on markets.

market, expend such sums of money as they may think necessary for the construction, maintenance, and keeping such municipal market in repair, and for any other purpose or purposes which the Commissioners may deem necessary for establishing or carrying on the same, or conducive thereto.

Power to grant licenses for markets. Duration of licenses

318. It shall be within the discretion of the Commissioners in meeting, other than an ordinary meeting, to grant licenses for the use of any place as a market for the sale of meat, fish, fruit, and vegetables within the Town, and every such license shall be in force until the first day of January next ensuing the day therein named for the commencement thereof.

Nothing contained in this section shall be held to impose upon any person the obligation of taking out a license for a market which has been registered under section 6 of Bengal Act VIII of 1871.

Penalty for permitting unauthorized places to be used as markets.

319. Whoever wilfully or negligently permits any place within the Town (not being a market which has been registered under section 6 of Bengal Act VIII of 1871), to be used as a market for the sale of meat, fish, fruit, or vegetables, without a license under this Act, shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding fifty rupees, for each day during which the said offence shall be continued after he has been convicted of such offence.

Power to close unlicensed place.

320. Whenever three convictions under the provisions of the last preceding section shall have been pronounced in respect of the same place within the space of one year, it shall be lawful for any Police Magistrate of Calcutta, on the application of the Commissioners, to order such place to be closed, and thereupon to appoint persons, or otherwise take order, to prevent such place being so used; and every person who shall sell or expose for sale meat, fish, fruit, or vegetables in any place which shall have been so closed, shall be liable to a fine not exceeding ten rupees.

Commissioners may define ways in bazars.

321. The Commissioners in meeting, other than an ordinary meeting, may define, fix, and determine what portions of any market or bazar within the Town shall be thrown into, and made part of, the existing approaches, roads, paths, and ways in such market or bazar for the convenient use of persons resorting thereto; and shall signify the same by affixing, or causing to be affixed, in some conspicuous place or places in the market or bazar, a notice signifying the limits and description of the parts of the said market or bazar so to be kept and used as part of the approaches, roads, paths, and ways.

The Commissioners in meeting, other than an ordinary meeting, may, by notice in writing to the owner, proprietor, or lessee of any such market or bazar, require him, within a time to be specified therein, to execute the necessary works and take all necessary measures for the setting out, clearing, widening, and maintaining of the said approaches, roads, paths, and ways;

Commissioners may require works to be executed.

and may, in case of such default by their servants and workmen, enter into and upon the said market or bazar, and clear, set out, and widen the said approaches, roads, paths, and ways, and the expenses thereby incurred shall be paid by the person on whom the notice has been served.

The Commissioners in meeting, other than an ordinary meeting, may from time to time vary and alter the said approaches, roads, paths, and ways as occasion may require, signifying the same by a like notice.

Commissioners may alter approaches.

Whoever shall, after such notification, cause any obstruction or encroachment in or on any such approaches, roads, paths, or ways, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for every day such obstruction or encroachment is continued after notice from the Commissioners to remove or discontinue the same.

Penalty.

322. Whenever any person who shall have been convicted of any offence under this Chapter, or against any of the bye-laws made or to be made under this Chapter in respect to markets, shall again be convicted of an offence against the same provision, the fine to be inflicted for the first of such subsequent offences shall not be less than one moiety of the maximum fine provided for such offence; and for the second and every subsequent offence shall not be less than such maximum fine.

Minimum of penalties.

CHAPTER XIV.

Of the General Powers of the Commissioners.

Part I.—*Of Rights of Entry.*

323. The Commissioners shall, for the purposes of this Act, have power, by themselves or their officers, between sunrise and sunset, to enter upon any house or land, as well for the purpose of making any inspection, survey, or measurement, as for the purpose of executing any work authorized by this Act to be executed by them, without being liable to any legal proceedings or molestation whatsoever on account of such entry, or of anything done on such house or land in pursuance of this Act:

Power to enter upon houses and land for the purposes of this Act.

Provided that, except as herein otherwise provided, the Commissioners or their officers shall not enter upon any house or land which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier twenty-four hours' notice of their intention to do so.

Power to Commissioners to enter on lands adjacent to works.

324. The Commissioners, or their officers or servants, may enter upon the land of any person adjoining to, or being within the distance of one hundred yards of any works by this Act authorized to be made, for the purpose of depositing upon such land any soil, gravel, sand, lime, brick, stone, or other materials, or for any other purposes connected with the formation of the said works, without making any previous payment, tender or deposit, doing as little damage as may be in the exercise of the several powers hereby granted to them, and making compensation for such temporary occupation of, or temporary damage to, the said land to the owner and occupier thereof from time to time, and as often as any such temporary occupation shall be taken, or such temporary damage done, and making compensation to the owner also for the permanent injury (if any) to such land;

and if any dispute shall arise touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided for the settlement of disputes respecting damages and expenses:

Provided that, before the Commissioners make any such temporary use as aforesaid of any land adjoining or lying near to the said works, they shall give three days' notice of such their intention to the owner and occupier of such land, and shall set apart, by sufficient fences, so much of the land as shall be required to be used as aforesaid from the other land adjoining thereto.

Powers to be exercised by the Commissioners when constructing drains and aqueducts without the Town.

325. For the purpose of laying pipes or constructing aqueducts for bringing water into the Town from any place without the limits thereof, or for the purpose of making sewers or drains to communicate with, or empty themselves into any public sewer, lake, stream, canal, or water-course without the said limits, the Commissioners, their officers, and servants may, whenever a plan for laying down any such pipes, or constructing any such aqueduct, sewer, or drain, shall have been approved by the local Government, exercise, in the laying of such pipes and construction of such aqueduct, sewer, or drain throughout the line of country through which the said pipes, aqueduct, sewer, or drain, are to run, all the powers which by this Act they may exercise within the Town, and which may be necessary for the laying of such pipes, or the construction of such aqueduct, sewer, or drain, without being subject to any action or molestation whatever for so doing;

and the Magistrate of any district through which the said pipes, aqueduct, sewer, or drain are to run, may exercise in respect thereof the like powers and jurisdiction within the limits of his own district as a Justice of the Peace may under this Act exercise in respect of any work to be executed by the Commissioners within the Town.

Penalty for obstructing persons employed by the Commissioners in their duty.

326. Whoever at any time obstructs or molests any person employed by the Commissioners (not being a public servant within the meaning of section 21 of the Indian Penal Code), or any person with whom they may have contracted under the provisions of this Act, in the performance and execution of their or his duty, or of anything which they are respectively empowered or required to do by virtue or in consequence of this Act; or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized by this Act, shall be liable to a fine not exceeding two hundred rupees, or in the discretion of the Justice of the Peace before whom he is convicted, to imprisonment for any term not exceeding two months.

PART II.

Of the Purchase and Sale of Land.

Commissioners may purchase, sell, and lease, land for the purposes of this Act.

327. The Commissioners in meeting, other than an ordinary meeting, may purchase land, whether within or without the Town, for any of the purposes of this Act, and may sell any land vested in them and not required for the purposes of this Act, or may dispose of the same on lease; and the Commissioners may receive the rent of the same on such terms as they may think fit.

Commissioners may rent and take on lease land.

328. The Commissioners in meeting, other than an ordinary meeting, may, from time to time, pay rent for, or take on lease on such terms as they may think fit, any land required for the purposes of this Act.

Land may be acquired under Land Acquisition Act.

329. Any land required for the purposes of this Act may be acquired under the provisions of the Land Acquisition Act, 1870, and on payment by the Commissioners, out of the Municipal Fund, of the compensation payable under such Act, the land shall vest in them for the purposes of this Act.

PART III.

Of Railways.

Power to construct railway.

330. The Commissioners in meeting, other than an ordinary meeting, may, upon any of the public streets in the Town, or upon any land within or without the Town, which is

vested in the Commissioners, construct or maintain any railway which to the Commissioners may appear to be useful or necessary for the purposes of this Act,

and use and employ upon any such railway, by them heretofore constructed, or hereafter to be constructed, such locomotive engines or other moving power, and such carriages and wagons to be drawn or propelled thereby,

carry and convey upon such railway all such passengers and goods as shall be offered to them for that purpose,

and make such reasonable charges in respect thereof, as they may from time to time determine upon.

Power to permit carriages to run on railway.

331. The Commissioners in meeting, other than an ordinary meeting, from time to time may enter into any contract with any person for the passage over any railway already constructed by the Commissioners, or hereafter to be constructed by them, of the engines, wagons, or other carriages of such person, upon the payment of such tolls or rent, and under such conditions and restrictions as may be mutually agreed upon.

Power to lease railway.

332. The Commissioners in meeting, other than an ordinary meeting, may lease any railway, constructed or to be constructed by them under the provisions hereinbefore contained, to any person upon such terms and under such conditions and restrictions as may be mutually agreed upon; and every person to whom any such railway shall be so leased by the Commissioners, shall, subject to such conditions and restrictions as aforesaid, have all such and the same powers of maintaining the same, and for using and employing thereupon locomotive engines and other moving power, and carriages and wagons to be drawn or propelled thereby, and for carrying and conveying thereupon passengers and goods, and making charges in respect thereof, as the Commissioners would have had if such railway had not been leased.

The Commissioners in meeting, other than an ordinary meeting, may from time to time enter into any contract with any person for the purposes of the construction of any railway within or without the Town, and for the purpose of maintaining and working of the same.

PART IV.

Of Hospitals.

Power to support hospitals.

333. The Commissioners in meeting, other than an ordinary meeting, may apply such sum as to them may seem proper in or towards the maintenance and support of such hospitals for such purposes as they may think fit.

CHAPTER XV.

OF THE MUNICIPAL DEBT.

Power to Commissioners to borrow on the security of rates and taxes

334. For the construction of works of a permanent nature under this Act, the Commissioners in meeting, other than an ordinary meeting, may, with the sanction of the local Government, from time to time borrow by way of debenture, on the security of the rates, taxes, and dues imposed and levied on account of the Municipal Fund, or of a portion of them, and at such rate of interest and upon such terms as to the time of repayment and otherwise as the local Government may approve, any sums of money the Commissioners may require for the objects aforesaid.

Form of security.

335. All the debentures aforesaid issued under the authority of this Act shall be in the form contained in the seventh schedule, and shall be transferable by endorsement, and the right to sue in respect of the moneys secured by any of such debentures shall be vested in the holders thereof for the time being without any preference by reason of some of such debentures being prior in date to others.

Payment of moneys due on old debentures by issue of fresh debentures.

336. The Commissioners in meeting, other than an ordinary meeting, may, at any time, with the sanction of the local Government, raise, by the issue of new debentures, any money that may be required to pay any moneys for the time being due on any debentures issued uuder the authority of this Act, or of any enactment hereby expressly repealed.

Establishment of reserve fund.

337. The Commissioners shall set aside yearly out of their annual income, before making any disbursements in respect thereof,

firstly, such sum as may be required for the payment of the interest which may fall due on any debentures issued under the authority of this Act, or of any enactment hereby expressly repealed;

secondly, a sum of not less than two per cent. on the total sum borrowed by the Commissioners for the purposes of any enactment hereby expressly repealed, exclusive of the sum now due, or of any sum which may hereafter become due, by them to the Secretary of State for India in Council, and shall appropriate the same, so far as it is required or will extend, to repay the amount (if any) of such loans or debentures issued by them as shall fall due in the course of the year.

Surplus to be invested.

And they shall invest the surplus (if any) of the said sum, after repayment as aforesaid, or in case there has not been any amount due or paid in respect of such loans or debentures during the year, then they shall invest the whole of the said sum in

Government securities, or in any securities guaranteed by Government, or in Calcutta municipal debentures, in the names of the Secretary to the Government of Bengal in the Revenue Department, and the Accountant-General of Bengal respectively for the time being, to be by them held as Trustees for the purpose of repaying at due date, from time to time, the several loans contracted or debentures issued by the Commissioners.

And all moneys and securities now held by any Trustees for the Commissioners for the purpose of paying off any sum borrowed by them, shall be held by them upon the trusts hereinbefore declared.

All interest accruing due to the Trustees shall also, from time to time, be invested by them in like manner and held upon the like trust.

Appropriation of reserve fund.

338. The Trustees shall from time to time, whenever any loans or debentures shall fall due by the Commissioners, realize the whole or a sufficient portion of the securities held by them as aforesaid, and appropriate the sale proceeds thereof, so far as the same will extend, to satisfy such loans or debentures.

Account of reserve fund.

339. The Trustees shall, at the end of every year, submit a statement to the Commissioners showing the amount which has been invested during the year under section three hundred and thirty-seven, and setting forth the date of the last investment made previous thereto, and also the aggregate amount of the securities then in their hands, and the aggregate amount which has up to the date thereof been paid off in respect of the said debentures and loans.

Such statement shall be laid before the Commissioners and published in the *Calcutta Gazette.*

CHAPTER XVI.

Of Bye-Laws.

Power to make bye-laws.

340. The Commissioners may from time to time make bye-laws, not inconsistent with the provisions of this Act, to regulate—

(*a*) all matters and things connected with the supply and use of water;

(*b*) the time and places of bathing for persons of each sex in places provided or set apart for bathing purposes;

(*c*) the deposit of dirt, dust, filth and refuse of any kind whatsoever, the removing and carrying away the same, and charging the person making the deposit with the expenses of removing it;

(*d*) the duties to be performed by tolah mehters under section two hundred and forty-four, and the boundaries within which they are to be performed;

(*e*) the management and charges for places provided for slaughter-houses under section two hundred and eighty-eight.

(*f*) the inspection and management of, and conduct of business in, markets and slaughter-houses, and the keeping the same in a proper and cleanly state;

(*g*) the inspection of places used for any of the purposes mentioned in section two hundred and ninety-seven, and the management and conduct of business with the same;

(*h*) the inspection and management of burial and burning grounds;

(*i*) and generally for carrying out the purposes of this Act.

And to repeal or alter them.

341. The Commissioners may from time to time repeal, alter, or add to their bye-laws.

Bye-laws and alterations of them to be confirmed by local Government.

342. No bye-laws, and no repeal or alteration of, or addition to, any bye-law shall have effect until the same has been confirmed by the local Government.

Bye-laws and alterations of them to be published before confirmation.

343. No bye-law, and no repeal, or alteration of, or addition to, any bye-law shall be confirmed until the same has been published in the English and Bengalee Government Gazettes at least three times, nor till one month has elapsed from the date of the first publication, during which period a copy of such proposed bye-law, or the repeal or alteration of, or addition to, any bye-law shall be kept at the office of the Commissioners; and all persons may at any time between ten o'clock in the morning and five o'clock in the afternoon inspect such copy without fee.

After confirmation bye-laws to be published in Gazette.

344. Every bye-law, and every repeal, or alteration of, or addition to, any bye-law, when confirmed, shall be published in the English and Bengalee Government Gazettes, and a copy thereof in English and Bengalee shall be painted or placed on boards which shall be hung up in some conspicuous part of the office of the Commissioners.

Penalty.

345. Whoever infringes any bye-law made and confirmed under this Act shall be liable to a fine not exceeding twenty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

CHAPTER XVII.

OF PROSECUTIONS.

Commissioners may direct prosecutions.

346. The Commissioners may direct any prosecution for any public nuisance whatsoever, and may order proceedings to be taken for the punishment of any person offending against any of the provisions of this Act, and for the recovery of any fines

imposed under this Act, and may order the expenses of such prosecutions and proceedings to be paid out of the Municipal Fund:

provided that nothing herein contained shall preclude any person from instituting a prosecution for nuisance, or from giving information and instituting a prosecution under the next succeeding section.

Prosecutions to be before a Justice of the Peace.

347. Every prosecution under this Act, except as provided in section three hundred and forty-nine, may be instituted before any Justice of the Peace;

and every fine imposed under this Act may be recovered by a summary proceeding before any Justice of the Peace upon an information exhibited by order of the Commissioners,

and in default of payment of such fine, the same may be levied under the warrant of such Justice of the Peace by distress and sale of the moveable property of the offender, with all such powers for the issuing of such warrant and upon the return thereof, as are exercised by a Magistrate of Police under the Calcutta Police Act, 1866, or any other Act for the time being in force for regulating the Police of the Town of Calcutta.

And if the fine cannot be so levied, the offender may be punished by such Justice of the Peace with rigorous or simple imprisonment, as defined in section 53 of the Indian Penal Code, for a term not exceeding two months.

Procedure on prosecution.

348. Whenever any prosecution shall be instituted before any Justice of the Peace under this Act, he may summon the person charged to appear at a time and place to be mentioned in the summons; and if such person shall not so appear, such Justice of the Peace may, upon proof of service of the summons, if no sufficient cause shall be shown for the non-appearance of the person charged, proceed to hear and determine the case in his absence.

Such Justice of the Peace may exercise all such powers connected with the summoning and enforcement of the attendance of witnesses and the production of documents as are conferred on a Magistrate by the Calcutta Police Act, 1866, or any other Act for the time being in force for regulating the procedure of the Police Magistrates' Courts in Calcutta.

Institution of prosecution under section 41.

349. Every prosecution under section forty-one shall be instituted before such Magistrate or Court as would have jurisdiction to entertain a charge of the nature described in section 161 of the Indian Penal Code.

How a Justice may award a fine.

350. The Justice of the Peace by whom any fine is imposed under this Act may award any portion, not being more than one-half thereof, to the informer, and shall order the

remainder, or, if he make no award to the informer, the whole of such fine to be paid to the Municipal Fund.

Complaint to be made within two months of the offence.

351. No person shall be liable to any fine under this Act for any offence cognizable by a Justice of the Peace unless the complaint respecting such offence shall have been made before a Justice of the Peace within two months next after the commission of such offence:

Provided that the failure to take out any license under this Act shall be deemed to be a continuing offence until the expiration of the period for which such license is required to be taken out.

Person doing damage to the property of the Commissioners to make good the same.

352. If, through any act, neglect, or default on account whereof any person shall have been fined under this Act, any damage to the property of the Commissioners shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such fine;

and the amount of such damage shall, in case of dispute, be determined by the Justice of the Peace by whom such person has been fined;

and on default of payment of the amount of such damage on demand, the same may be levied in the same manner as a fine.

CHAPTER XVIII.

Of the Recovery of Damages and Expenses.

Damages and expenses how to be determined.

353. Where any damages, costs, or expenses are by this Act directed to be paid, the amount and, if necessary, the apportionment of the same, in case of dispute, shall be ascertained and determined by the Court of Small Causes:

Provided that, when any work is executed by the Commissioners under this Act in default of the owner or occupier of the house or land doing such work, the expenses thereby incurred may be recovered by the Commissioners as a rate under Chapter VI.

Method of proceeding before a Judge of a Court of Small Causes.

354. In any case which is to be determined by the Court of Small Causes under this Act, the said Court may, on the application of either party, summon the other party to appear at a time and place to be named in such summons.

Upon the appearance of the parties, or, in the absence of any of them, upon proof of due service of the summons, the said Court may hear and determine such question, and, for that purpose, may examine such parties or any of them, and their witnesses, on oath; and the costs of every such inquiry

shall be in the discretion of the said Court, which shall determine the amount thereof.

Recovery of damages by distress.

355. If the amount of damages, costs, or expenses ascertained in the manner above described be not paid by the party liable to pay the same within seven days after demand, such amount may be recovered, under a warrant of the said Court, by distress and sale of the moveable property of such party; and the surplus arising from the sale thereof, after satisfying such amount and the costs of the distress and sale, shall be returned on demand to the party whose property shall have been distrained.

Commissioners may sue in any competent Court instead of realizing by, or on failure of, distress.

356. Instead of proceeding by distress and sale, and in case of failure to realize by distress the whole or any part of any expenses, charges, or damages awarded under the provisions of this Act, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

CHAPTER XIX.

MISCELLANEOUS.

Limitation of three months to suit against Commissioners or their officers.

357. No suit shall be brought against the Commissioners, or any of their officers, or any person acting under their direction, for anything done under this Act until the expiration of one month next after notice in writing has been delivered or left at the office of the Commissioners, or at the place of abode of such person, stating the cause of suit and the name and place of abode of the intending plaintiff.

Unless such notice be proved, the Court shall find for the defendant.

Every such suit shall be commenced within three months next after accrual of the right to sue, and not afterwards.

If any person to whom any such notice of suit is given shall, before the suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover in any such action, when brought; and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the Court where such action shall be pending at any time before issue joined, to pay into Court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

This section corresponds with section 226 of Bengal Act VI of 1863, repealed by this Act. In a suit for alleged damage to premises by excavations for drainage purposes which the Justices were authorized to make under the above Act, no cause of action was allowed to be raised except that disclosed in the notice of action required to be given to the Justices by section 226.—ULLMAN v. THE JUSTICES OF THE PEACE FOR THE TOWN OF CALCUTTA, 8 B. L. R., 265.

358. The Commissioners may make compensation out of the Municipal Fund to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Commissioners, their officers, or servants, under this Act.

Payment out of Municipal Fund for damage done by the Commissioners.

359. When any license is granted under section two hundred and forty-two, or two hundred and eighty-seven, authorizing the use of any place for any of the purposes therein described, and when permission is given under section two hundred and ten for putting up any projection, the Commissioners may charge a fee not exceeding one hundred rupees for such license or permission.

Fees for licenses under sections 242 and 287, and for permission given under section 210.

When permission is given under section one hundred and ninety-nine to make any temporary erection, the Commissioners may charge a daily fee not exceeding one hundred rupees for such permission.

Daily fee for permission given under section 199.

360. When permission is given under section two hundred and thirteen or section two hundred and seventy-two, the Commissioners may charge rent for any land made use of in pursuance of such permission.

Rent may be charged for permission given under sections 213 and 272.

361. Every person to whom a license has been granted under this Act shall, at all reasonable times while such license shall remain in force, if thereunto required by the Commissioners, or by any person authorized by them in that behalf, produce such license to the Commissioners or to the person so authorized.

Every person to produce license if required.

362. Whoever fails to produce his license when required to do so as aforesaid shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

363. Every notice, bill, form, summons, or notice of demand under this Act may be served personally on, or presented to, the person to whom the same is addressed,

Service of notice, &c.

or be left at his usual place of abode with some adult male member or servant of his family, or at his place of business with some clerk of the office,

or if it cannot be so served or presented, may be put on some conspicuous part of his place of abode,

or of his place of business,

or of the house or land in respect of which the notice, bill, form, summons, or notice of demand is intended to be served.

Service of notice on owners and occupiers of houses and land.

364. Where any notice is required to be given to the owner or occupier of any house or land, such notice, addressed to the owner or occupier, as the case may require, may be served on the occupier of such house or land, or otherwise in the manner in the last preceding section mentioned;

provided that, when the owner and his place of abode are known to the Commissioners, they shall, if such place of abode be within the limits of their authority, cause every notice required to be given to the owner of any house or land to be served on such owner, or left with some adult male member or servant of his family,

and if the place of abode of the owner be not within such limits, they shall send every such notice by post in a registered cover addressed to his place of abode, and the same shall be deemed to be good service of the notice.

When the name of the owner or occupier is not known, it shall be sufficient to designate him as "the owner" or "the occupier" of the house or land in respect of which the notice is served.

Commissioners, in default of owner or occupier, may execute works and recover expenses.

365. Whenever any work is required by this Act to be executed by the owner or occupier of any house or land, and default is made in the execution of such work, the Commissioners, whether any penalty is or is not provided for such default, may cause such work to be executed;

and the expenses thereby incurred shall be paid by the person by whom such work ought to have been executed, and in default of payment thereof the same may be recovered as a rate under Chapter VI.

Power to levy charges on occupier, who may deduct the same from his rent.

366. If the defaulter, as mentioned in the last preceding section, be the owner of any house or land, the Commissioners may, by way of additional remedy, whether any suit or proceeding has been brought or taken against any such owner or not, require the payment of all or any part of the expenses payable by the owner for the time being from the person who then, or at any time thereafter, occupies the house or land under such owner; and in default of payment thereof by such occupier on demand, the same may be recovered as a rate under Chapter VI;

and every such occupier shall be entitled to deduct from the rent payable by him to the owner so much as is so paid by, or recovered from, him in respect of any such expenses.

367. No occupier of any house or land shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof than the amount of rent due from him for the house or land in respect of which such expenses are payable at the time of the demand made upon him, or which, at any time after such demand, has accrued and become payable by him, unless he neglect or refuse, upon a requisition made to him for that purpose by the Commissioners, truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable;

Occupier not to be liable for more than the amount of rent due.

but nothing in this section shall affect any special contract made between any such owner or occupier respecting the payment of the expenses of any such works as aforesaid.

368. Whenever default is made by the owner of any house or land in the execution of any work required to be executed by him, the occupier of such house or land may, with the approval of the Commissioners, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent, from time to time, becoming due from him to such owner.

Occupier, in default of owner, may execute works and deduct expenses from his rent.

369. If the occupier of any house or land prevent the owner thereof from carrying into effect, in respect of any house or land, any of the provisions of this Act, after notice of his intention so to do has been given by the owner to such occupier, any Justice of the Peace may, in writing, require such occupier to permit the owner to execute all such works with respect to such house or land as may be necessary for carrying this Act into effect;

Proceedings in case of tenants opposing the execution of this Act.

and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such works, every such owner, during the continuance of the refusal, shall be discharged from liability to any fines to which he might otherwise have become liable by reason of default in executing such works.

370. Whoever being the occupier of any house or land, fails to comply with any requisition made by a Justice of the Peace under the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

371. No tax or rate on property made under this Act shall be invalid for defect of form, and it shall be enough in any such tax or rate, or any assessment of value for the purpose of making such tax or rate, if the property rated or

Formal defects not to invalidate tax or assessment.

assessed is so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

Recovery of expenses on account of improvements to private property.

372. Whenever the Commissioners shall have incurred any expenses in the execution of any of the works which under sections two hundred, two hundred and seventy-four two hundred and seventy-six, and two hundred and seventy-eight, the owners of any houses or land are required to execute, the Commissioners may either recover the amount of such expenses in the manner therein provided, or, if they think fit, may take engagements from the said owners for the quarterly payment of such sums as will be sufficient to defray the whole amount of the said expenses, with interest thereon at the rate of six per centum per annum, within a period not exceeding five years, and such sums, when due, may be recovered as rates under Chapter VI.

Police officers to report offences to Commissioners and to arrest unknown offenders.

373. All police officers shall give immediate information to the Commissioners of any offence committed against this Act.

Any police officer may arrest any person committing in his view any offence against this Act, if the name and address of such person be unknown to him,

or if such person decline to give his name and address,

or if the police officer shall have reason to doubt the accuracy of such name and address, if given.

And such person may be detained at the station-house until his name and address shall be correctly ascertained, or may be brought up at once before a Justice of the Peace.

Certain provisions of this Act extended.

374. If the local Government shall have determined that any portion of the environs of the Town shall be included in the system of sewerage and drainage authorized by this Act, and if the local Government shall have declared the boundaries thereof by notification in the *Calcutta Gazette*, then sections two hundred and fifteen to two hundred and thirty-four, both inclusive, shall have effect within the boundaries so declared ;

and all such expenses and compensation as, under the said sections and by the provisions of this Act, may be determined by the Court of Small Causes, may be ascertained and determined by any Court of Small Causes having jurisdiction within such boundaries ; and all fines payable in respect of such sections, and under this Act, shall be enforced in the manner prescribed by section 307 of the Code of Criminal Procedure by the Magistrate having jurisdiction within such boundaries.

Houses used for public worship exempt from rates and taxes.

375. Houses used exclusively for purposes of public worship shall be exempt from all rates and taxes which under this Act may be imposed upon houses and land within the Town.

Saving clause.

376. Nothing in this Act contained shall be construed to

(*a*) render lawful any act or omission on the part of any person, which, but for this Act, would by law be deemed to be a nuisance :

(*b*) exempt any person guilty of nuisance from a suit in respect thereof :

(*c*) affect any enactment not hereby expressly repealed.

FIRST SCHEDULE.

BOUNDARIES OF WARDS.

(*See section* 13.)

Ward No. 1.—Bounded on the north and east by Upper Circular Road and Mahratta Ditch; south by Grey Street; west by Upper Chitpore Road.

Ward No. 2.—Bounded on the north by the Mahratta Ditch; west by river Hooghly; south by Nimtollah Ghât Street; east by Upper Chitpore Road.

Ward No. 3.—Bounded on the north by Ooltadingee Main Road, the Mahratta Ditch, and Grey Street; south by Beadon Street and Halshi Bagan Road; west by Upper Chitpore Road; east by Mahratta Ditch.

Ward No. 4.—Bounded on the north by Beadon Street; south by Machooa Bazar Road; east by Upper Circular Road and Mahratta Ditch; west by Cornwallis Street.

Ward No. 5.—Bounded on the north by Nimtollah Ghât Street; south by Cotton Street and Meerboher Ghât Street; east by Upper Chitpore Road; west by river Hooghly.

Ward No. 6.—Bounded on the north by Beadon Street; south by Machooa Bazar Road; east by Cornwallis Street; west by Upper Chitpore Road.

Ward No. 7.—Bounded on the north by Cotton Street and Meerboher Ghât Street; south by Loll Bazar Street, Dalhousie Square, North, and Fairlie Place; east by Lower Chitpore Road; west by river Hooghly.

Ward No. 8.—Bounded on the north by Machooa Bazar Road; south by Bow Bazar Street; east by College Street; west by Lower Chitpore Road.

Ward No. 9.—Bounded on the north by Machooa Bazar Road; south by Bow Bazar Street; east by Upper Circular Road; west by College Street.

Ward No. 10.—Bounded on the north by Bow Bazar Street; south by Dhurrumtollah Street; east by Wellington Street; west by Bentinck Street.

Ward No. 11.—Bounded on the north by Bow Bazar Street; south by Dhurrumtollah Street; east by Lower Circular Road; west by Wellington Street.

Ward No. 12.—Bounded on the north by Loll Bazar Street, Dalhousie Square, and Fairlie Place; south by Esplanade Row; east by Bentinck Street; west by river Hooghly.

Ward No. 13.—Bounded on the north by Dhurrumtollah Street; south by Kyd Street, Free School Street, and South Cullinga Street; east by Wellesley Street; west by Chowringhee Road.

Ward No. 14.—Bounded on the north by Dhurrumtollah Street; south by South Cullinga Street; east by Lower Circular Road; west by Wellesley Street.

Ward No. 15.—Bounded on the north by South Cullinga Street; south by Theatre Road; east by Lower Circular Road; west by Wellesley Street and Wood Street.

Ward No. 16.—Bounded on the north by Kyd Street and South Cullinga Street; south by Theatre Road; east by Wellesley Street and Wood Street; west by Chowringhee Road.

Ward No. 17.—Bounded on the north by Theatre Road; south by Lower Circular Road; east by Lower Circular Road; west by Jail Road.

Ward No. 18.—Bounded on the north by Clyde Row; south by Tolly's Nullah Road; east by Kidderpore Bridge Road; west by Strand Road.

SECOND SCHEDULE.

(See section 65.)

Tax on Carriages and Animals.

	Per half-year. Rs. As. P.
For every four-wheeled carriage drawn by two horses	12 0 0
If more than one such carriage, then for every such carriage after the first, two-thirds of the above rate.	
For every four-wheeled carriage drawn by one horse, or pony or mule, or a pair of ponies or mules under thirteen hands	6 0 0

	Per half-year Rs.	As.	P.
If more than one such carriage, then for every such carriage after the first, two-thirds of the above rate.			
For every two-wheeled carriage...	6	0	0
For every horse (*not a race horse*), pony, or mule ...	6	0	0
For every race horse	12	0	0
For every pony or mule under thirteen hands ...	2	0	0

NOTE.—Animals under eleven hands in height, and carriages, the wheels of which do not exceed twenty-four inches in diameter, are exempted.

THIRD SCHEDULE.

(*See section* 75.)

LICENSE ON PROFESSIONS, TRADES, AND CALLINGS.

Class I.

	Yearly. Rs.
Every Joint Stock Company	100

Class II.

Every merchant, banker, shroff, banian, wholesale trader, and commission agent, and every practising surgeon, physician, dentist, architect, civil engineer, builder, contractor, carrying company, barrister, attorney, proctor, notary public, and pleader of the High Court Every owner or farmer of a haut or bazar ... ... Every owner of cotton, jute, hide, or other screws, and every auctioneer ... ... Every hotel-keeper, boarding-house keeper, lodging-house keeper, shop-keeper, plumber, gas-fitter, manufacturer, or retail trader, whose shop or place of business is assessed under Chapter V at one hundred rupees a month or upwards	50

Class III.

Every broker or dalall employed in the wholesale transfer or purchase of imports or exports, country produce, silk, or other merchandize ... ... Every broker or dealer in precious stones, houses, landed property, Government securities, shares, and bills of exchange, and every freight broker ...	25

Class III.—(Continued.)	*Yearly.* Rs.
Every practising licentiate of medicine, apothecary, and veterinary surgeon	
Every owner of a dispensary, spirit or liquor shop, or shop for the sale of intoxicating drugs, and punch-house or billiard room, wholesale tobacco or jute depôt ...	
Every owner of a steamferry-boat or cargo boat ...	
Every hotel-keeper, boarding-house keeper, lodging-house keeper, plumber, gas-fitter, carriage and horse-dealer, shop-keeper, manufacturer or trader, whose shop or place of business is assessed under Chapter V at or above twenty-five rupees, but at less than one hundred rupees a month	25
Every pawn-broker, money-lender, and every person having a shop or place of business registered under section two hundred and ninety-one or licensed under section two hundred and ninety-two	
Every pleader, mookhtear, or law agent, not included in Class II	
Class IV.	
Every hotel-keeper, boarding and lodging-house keeper, owner of a carriage or a palanquin let out for hire, plumber, gas-fitter, band supplier, carrier, stamp vendor, carriage or horse-dealer, shop-keeper, manufacturer or trader whose shop or place of business is assessed under Chapter V at or above ten rupees, but at less than twenty-five rupees a month ...	12
Every keeper of a permanent stall at a daily public market or in a chowk	
Every poddar or money-changer	
Every hakeem and koberaj, practising native doctor ...	12
Every order supplier, cooly supplier, shipping agent, or boat supplier	
Class V.	
Every keeper of a shop not included in any other class, and every dalall not included in class III	4
Every pedlar, hawker, box-wallah, and midwife	
Class VI.	
All itinerant dealers hawking goods for sale in baskets or trays	1

NOTE.—A person who carries on several kinds of business, and may come under more than one of the designations in this schedule, shall be chargeable only under one of such designations, at the discretion of the Commissioners; and in the case of a firm consisting of two or more persons, payment by any one of such persons shall be considered payment by the firm

FOURTH SCHEDULE.

(*See section* 122.)

NOTICE OF DEMAND.

TAKE notice that the Commissioners of the Town of Calcutta demand from you the sum of due from* [you] as owner (*or occupier*) (*here describe the property or thing upon which the rate or tax is imposed*) for the month of 187 ; and that if the sum due, together with for this notice, is not paid into the office of the said Commissioners at or if sufficient cause for the non-payment of the sum is not shown to the Commissioners within seven days from the service of this notice, a warrant of distress will be issued for the recovery of the same with costs.

L. S.

(*Signature of the Chairman, Vice-Chairman, or Secretary.*)

Date———

FIFTH SCHEDULE.

(*See section* 122.)

DISTRESS WARRANT.

To (here insert the name of the Officer charged with the execution of the warrant.)

WHEREAS of has not paid or shown sufficient cause for the non-payment of the sum of rupees due for the rates (*or taxes*) (*or taxes and rates*) mentioned in the margin for the months of ( ) 187 , although the said sum has been duly demanded in writing from the said and seven days have elapsed since the service of the notice of demand : This is to command you to distrain the moveable property of the said (*or as the case may be any moveable property found on the premises referred to*) to the amount of the said sum of rupees, and such further sum as may be sufficient to defray the charges of taking, keeping, and selling such distress ; and if, within seven days next after such distress, the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said moveable property ; and having paid and deducted out of the proceeds of the sale the said sum of rupees and the charges of taking, keeping, and selling such

* In the case of a demand on the occupier of a house under section one hundred and twenty-six, state that notice of demand has been served upon the owner, and that the sum due remains unpaid.

distress, to return the surplus, if any, on demand, to the person whom you shall find in possession of the said moveable property. If sufficient distress cannot be found of the moveable property of the said you are to certify the same to us together with this warrant.

L. S.

(*Signature of the Chairman, Vice-Chairman, or Secretary.*)

SIXTH SCHEDULE.

(*See section* 123.)

Form of Inventory and Notice.

(*State particulars of goods seized.*)

Take notice that I have this day seized the moveable property specified in the above Inventory for the sum of rupees due for the rates (*or taxes*) mentioned in the margin, for the months of 187 ; and that, unless you pay into the Office of the Commissioners of the Town of Calcutta the amount due, together with the costs of this distress, within seven days from the day of the date of this notice, the said property will be sold.

(*Signature of the Officer executing the Warrant of Distress.*)

Date——————

Table of Fees payable in Distraints.

(*See section* 124.)

Sum distrained for.	Fee.	
	Rs.	As.
Under 5 rupees	0	4
5 and under 10 rupees	0	8
10 „ 15 „	1	0
15 „ 20 „	1	8
20 „ 30 „	2	0
30 „ 40 „	3	0
40 „ 50 „	4	0
50 „ 60 „	5	0
60 „ 70 „	6	0
70 „ 80 „	7	0
80 „ 90 „	8	0
90 „ 100 „	9	0
Above 100 „	10	0

The above charge includes all expenses except when peons are kept in charge of property distrained, in which case four annas must be paid daily for each man.

SEVENTH SCHEDULE.

(*See section* 335.)

FORM OF DEBENTURE.

The Commissioners for the Town of Calcutta.

No. *Calcutta the* 187 .

By virtue of the Calcutta Municipal Consolidation Act, 1876, we, the Commissioners of the Town of Calcutta, incorporated under the said Act, in consideration of the sum of rupees paid to us by A. B. of , promise to pay to the said , or order the said sum of rupees after the date hereof, together with interest thereon at the rate of per centum per annum, payable half-yearly, on the day of and the day of

(*Signature of the Chairman, or Vice-Chairman, and two Commissioners.*)

EIGHTH SCHEDULE.

(*See sections* 171 *and* 172.)

18 BIRTHS IN THE DISTRICT OF

No	When born.	Nationality or Caste	Name, if any	Sex.	Name of Father	Profession of Father	Signature, description, and residence of informant		When registered	Signature of Registrar.

NINTH SCHEDULE.

(*See sections* 171, 172, 174, *and* 177.)

18 DEATHS IN THE DISTRICT OF

No.	When died.	Nationality or Caste.	Name.	Sex.	Age.	Profession.	Cause of death.	Residence at time of death.	Residence previous to last illness.	Signature, Description, and Residence of informant.		When registered.	Signature of Registrar.

TENTH SCHEDULE.

(*See section* 2.)

ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year.	Subject.	Extent of repeal.
VI of 1863 ...	Calcutta Municipal Affairs ...	So much as has not been repealed.
Section 49 of III of 1864.	District Municipal Improvement ...	So far as the same applies to Suburbs and Howrah.
VII of 1865 ...	Slaughter-houses ...	So far as the same applies to Suburbs.
IX of 1865 ...	Amendment of Bengal Act VI of 1863	The whole Act.
VI of 1866 ...	Further amendment of Bengal Act VI of 1863.	So much as has not been repealed.
I of 1867 ...	Explanation of Bengal Act VI of 1863	The whole Act.
IX of 1867 ...	Amendment of Bengal Acts VI of 1863 and VI of 1866.	So much as has not been repealed.
XI of 1867 ...	Pauper Hospital and Calcutta Police ...	The whole Act.
V of 1868 ...	Subjecting a portion of Hastings to the Calcutta Municipal Acts.	The whole Act.
I of 1870 ...	Calcutta Water-rate ...	The whole Act.
VI of 1871 ...	Modifying and amending the constitution of the Corporation of the Justices of the Peace for Calcutta.	The whole Act.
VIII of 1871 ...	Markets	So much as has not been repealed.
I of 1872 ...	Extending borrowing powers of the Justices, and providing for the repayment of the Municipal debt.	The whole Act.
II of 1874	Markets	The whole Act.

THE BENGAL MUNICIPAL ACT, 1876.

CONTENTS.

CHAPTER I.

PREAMBLE.

SECTIONS.

1-6. Preliminary.

CHAPTER II.

OF MUNICIPALITIES.

7-14. Part I.—Of the creation of Municipalities.

15-58. Part II.—Of the Municipal Authorities.

15-31. *Of the constitution of the Municipality.*

32-39. *Of the property and contracts of the Commissioners.*

40-49. *Of the mode of transacting the business of the Municipality.*

50-55. *Of Ward Committees.*

56-58. *Liability of Commissioners and Ward Committees.*

59-76. Part III.—Of the Municipal Fund and its application.

77-163. Part IV.—Of Municipal Taxation.

77-78. *Of the power to impose taxes and tolls.*

79-87. *Of the tax on persons.*

88-102. *Of the rate on the value of holdings.*

103-121. *Of general provisions relating to the tax on persons, and the rate on holdings, and to the recovery of the same.*

122-132. *Of the tax on carriages, horses, and other animals.*

133-138. *Of the registration of carts.*

139-147. *Of tolls and ferries.*

148-154. *Of tolls on bridges and roads.*

155-161. *Of general provisions relating to tolls on ferries and roads.*

162-163. *Of tolls on navigable channels.*

164-176. Part V.—Of the Municipal Police.

177-232. Part VI.—Of Municipal Regulations which shall be generally in force in all Municipalities.

177-192. *General.*

193-207. *Of offensive matter, rubbish, privies, and drains.*

208-212. *Of bathing and washing places and tanks.*

213-223. *Of obstructions and encroachments on roads.*

224-232. *Of general conservancy and improvement.*

233-294. Part VII.—Of certain Municipal Regulations which may be extended to any Municipality by express orders of the Lieutenant-Governor.

233-234. *General.*

235-250. *Of privies, drains, and excavations.*

251-255. *Of obstructions and encroachments on roads.*

256-263. *Of building regulations.*
264-270. *Of sanitary measures with regard to blocks of huts.*
271-277. *Of the regulation of the sale of food, drink, and drugs.*
278-284. *Of burial and burying grounds.*
285-294. *Of certain offensive and dangerous trades or occupations.*
295-298. Part VIII.—Of the registration of births and deaths.
299-312. Part IX.—Of Municipal markets.
313-318. Part X.—Of bye-laws and miscellaneous matters relating to Municipalities.

CHAPTER III.

OF UNIONS.

319-350.

CHAPTER IV.

OF STATIONS.

351-364.

CHAPTER V.

OF GENERAL MATTERS RELATING TO MUNICIPALITIES, UNIONS, AND STATIONS.

365-378.

SIX SCHEDULES.

ACT No. V OF 1876.

Received the assent of the Lieutenant Governor on the 18th April 1876, and of the Governor-General on the 10th June 1876.)

An Act to amend and consolidate the law relating to Municipalities.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to Municipalities within the territories subject to the Government of the Lieutenant-Governor of Bengal; It is enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. This Act may be called the "Bengal Municipal Act, 1876;"

and it shall come into force on such date as the Lieutenant-Governor may direct, not being more than three months after the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

The Act came into force on the 1st of July 1876.—*Calcutta Gazette*, 1876, p 685.

Enactments repealed.

2. On the commencement of this Act the enactments specified in the fifth schedule shall be repealed to the extent mentioned in the third column thereof; and the enactment specified in the sixth schedule shall cease to be in force in every Municipality under this Act to the extent mentioned in the third column thereof.

But this repeal shall not revive any office, authority, or thing abolished by any such enactment, or affect the validity of anything done or suffered, or any right, title, obligation, or liability accrued before the commencement of this Act.

And all rules and bye-laws prescribed; assessments, valuations, measurements, divisions, and appointments made; powers conferred, and notifications published under any such enactment; and all other rules (if any) now in force and relating to the matters hereinafter dealt with, shall (so far as they are consistent with this Act) be deemed to have been respectively prescribed, made, conferred and published hereunder.

And all references to any such enactment shall (so far as may be practicable) be deemed to be made to this Act.

And all proceedings now pending, which may have been commenced under any such enactment, shall be deemed to be commenced under this Act.

In reference to all the matters aforesaid,

The Commissioners under Chapter II shall, in respect of every Municipality, be substituted for the late Commissioners, or Town Committee (as the case may be);

and the punchayet under Chapter III shall, in respect of every Union, be substituted for the punchayet under Act XX of 1856;

and the Commissioners under Chapter IV shall, in respect of every Station, be substituted for the Commissioners under Act XXVI of 1850.

First class and second class Municipalities.

3. Unless and until the Lieutenant-Governor shall otherwise direct by notification to be published in the *Calcutta Gazette*, every place in which the provisions of the District Municipal Improvement Act, 1864, shall have been in force immediately before the commencement of this Act, shall, from the said commencement, become a first class Municipality under Chapter II, and every place in which the provisions of the District Towns' Act, 1868, shall have been in force immediately before the commencement of this Act, shall, from the said commencement, become a second class Municipality under the said Chapter;

and every place in which Act XX of 1856 shall have been in force immediately before the commencement of this Act, shall, from the said commencement, become a Union under Chapter III;

and every place in which Act XXVI of 1850 shall have been in force immediately before the commencement of this Act, shall, from the said commencement, become a Station under Chapter IV.

The District Municipal Improvement Act, Bengal Act III of 1864, was extended to Howrah *Calcutta Gazette*, 1864, p. 861; to the Suburbs of Calcutta, *ibid.*, p 1432; to Chittagong, *ibid.* p. 1433; to Jessore, *ibid.*, p. 1462; to Dacca, *ibid.* p. 1463; to Canning, *ibid.*, p. 1514; to Bhagulpore and Monghyr, *ibid.*, p 1827; to Purneah, Kishnaghur, Santipore and Ranaghat, *ibid.*, p. 1828; to Mozufferpore, Durbhanga, *ibid.*, p. 1911; to Gya and Patna, *ibid.*, p. 1912; to Comilla and Sarun; *ibid.*, p. 2010; to Arrah, *ibid.*, p. 2176; to Gowhatti, *ibid.*, 1865, p. 361; to Burdwan, *ibid*, p. 639; to Midnapore, Hooghly, Serampore and Chinsura, *ibid.*, p. 640; to Darjeeling *ibid.*, p. 874; but this was cancelled, *ibid.*, 1873, p. 1035; to Gya and Sahibgunge, *ibid.*, 1865, p. 1060; to certain villages united with Jessore, *ibid.*, p. 1928; to Silchar, *ibid*, p. 2095; but this was cancelled, *ibid*, 1868, p. 295; to certain villages united with Midnapore, *ibid.*, 1869, p. 928.

The District Towns' Act, Bengal Act VI of 1868, was extended to the following places :—

Name of Municipality.	Reference to notification in *Calcutta Gazette.*
Agurparah	1869, p. 635.
Baduria	1875, p. 848.
Bagjullah	1870, p. 1596.
Balasore	1869, p. 636.
Bancoorah	1869, p. 901.
Bansberiah ...	1869, p. 390.
Baraipore	1869, p. 787.
Baraset, in the 24-Pergunnahs	1869, p. 635.
Barh	1870, p 850.
Bazitpore	1869, p. 228.
Beernaghur	1869, p. 38.
Behar	1869, p. 786.
Berhampore ...	1869, p 283.
Bettiah	1869, p. 902.
Bhabooah	1869, p. 787.
Bhowarah	1869, p. 786.
Bhuddessur ...	1869, p. 390.
Bishenpore ...	1873, p 1058.
Bograh	1868, p. 2074.
Brahmunberiah ...	1869, p. 5.
Burrisaul	1869. p. 119.
Busseerhaut ...	1869, p. 635.
Buxar	1869, p. 787.
Bydobatti	1869, p. 390.
Calligunge	1869, p. 927
Chandooreah ...	1869, p. 1110.
Chenaree	1870, p. 2022.
Chunderkonah ...	1869, p. 391.
Chutra	1869, p 57.
Chyebassa	1875, p. 399.
Colgong	1869, p 228.
Colinga	1869, p. 635.
Coomercolly ...	1869, p. 282.
Cox's Bazar ...	1869, p. 687.
Culnah	1869, p. 488.
Cutwah	1869, p. 489.
Cuttack	1869, p. 489.
Dainhaut	1869, p. 391.
Debhatta	1869, p. 635.
Deoghur	1869, p. 2103.
Dinagepore	1868, p 2074.
Doomraon	1869, p. 787.
Echak	1869, p. 57.
English Bazaar ...	1868, p 2074.
Fureedpore ...	1869, p 119.
Ghatal	1869, p. 391.
Goburdanga ...	1870, p. 990.
Hajipore	1869, p. 786.
Hazareebaugh ...	1869, p. 57.
Jajipore	1869, p. 489.
Jamalpore, in the Mymensing District ...	1869, p. 228.
Jhalokati	1874, p 1745.
Joynagore	1869, p. 787.
Jugdishpore... ...	1869, p. 786.
Jungypore	1869, p. 636.
Kadhatty ...	1869, p 786.
	1870, p. 1596.
Kalarooah ...	1869, p. 635.
Kandie	1869, p. 283.
Kendrapara ...	1869, p. 489.
Khabashpore, Mullah ...	1873, p. 1117.
Kheerpoy	1876, p. 275.
Kishoregunge ...	1869, p. 228.
Kooshtea	1869, p. 5.
Kotrung	1869, p. 391.
Lalbaugh	1869, p. 636.
Lalgunge	1869, p. 786.
Madaripore ...	1875, p. 423
Maldah	1868, p. 2074.
Meherpore	1869, p 902.
Mohespore	1869, p. 901.
Motihari	1869, p. 902.
Muddungunge ...	1869, p. 390.
Mudhoobunnee ...	1869, p. 786.
Nalchitti	1874, p. 1745.
Naraingunge ...	1869, p. 390.
Nattore	1869, p. 283.
North Suburban Town...	1869, p. 282.
Nowabgunge ...	1869, p. 635.
Nuddea	1869, p. 227.
Nusserabad ...	1869, p. 228.
Nyehatty	1869, p. 1110.
Pubna	1869, p. 151.
Purulia	1869, p. 57.
Rajpore and certain other villages	1876, p. 165.
Rampore Beauleah ...	1869, p. 489.
Ranchee	1869, p. 57.
Raneegunge in the Bankoora District ...	1871, p. 1379.
Ramjeebunpore ...	1876, p. 275.
Ramnuggur ...	1869, p. 902.
Revilgunge ...	1869, p. 787.
Rosorah	1869, p. 786.
Rungpore	1869, p. 282.
Sadharam	1869, p. 4.
Sasseeram	1869, p. 787.
Sathkhira	1869, p. 635.
Serajgunge ...	1869, p 151.
Sewan	1869, p. 787.
Sherepore in the Bograh District	1868, p. 2074.
Sherepore in the Mymensingh District ...	1869, p. 228.
Sooree	1869, p. 1191.
Soryudpore ...	1869, p. 152.
South Suburban Town ...	1869, p. 282.
Syedpore (*ceased to have effect in*) ...	1870, p. 1230.
Sylhet	1868. p. 2043.
Takee	1869, p. 635.
Tirhoot	1869, p. 786.
Tumlook	1869, p. 96.
The area excluded from the Suburbs of Calcutta for Municipal purposes ...	1870, p. 1714.

On the commencement of this Act, Act XX of 1856 was in force in the places enumerated in the third and last columns of the following list: -

Division.	District.	Name of Municipality.
Burdwan	Burdwan ...	Pattroshair.
		Sonamookhy.
		Jehanabad.
		Bally.
		Shambazar.
		Koergunge.
		Kotulpore.
	Bankoora ...	Joypore.
	Hooghly ...	Mugra.
		Pandooah.
		Gooptiparah.
		Balaghur.
		Dwarbasinee.
	Howrah ...	Khanakool.
Presidency.	24-Pergunnahs.	Barrackpore.
		Dum-Dum.
	Nuddea ...	Chogda.
		Jagoolee.
	Jessore ...	Kesubpore.
		Kotechandpore.
	Moorshedabad	Berhampore Cantonment.
		Dowlutabad.
Dacca	Dacca ...	Manickgunge.
	Furreedpore ...	Syedpore.
	Backergunge.	Dowlutkhan.
		Patuakhally.
		Perozepore.
		Bowful.
		Backergunge.
	Mymensing	Tangai
		Mooktagacha.
Patna ...	Patna ...	Khagoul.
		Munair.
		Dinapore Nizamut
Patna (*Cont.*)	Patna—(*Cont.*)	Mahomedpore.
		Bykutpore.
		Futwa.
		Mokameh.
		Dinapore Cantonment.
		Nowadah.
	Gya ...	Tekari.
		Dacodnuggur.
		Jehanabad.
		Nowadah.
		Hisnah.
		Rujowly.
		Sherghotty.
		Futtehpore.
		Arungabad.
		Obra.
		Nabbinuggur.
	Shahabad ...	Chowsa.
		Bhojepore.
		Nasirgunge.
		Jehanabad.
		Chand.
		Chynpore.
	Mozufferpore	Seetamurhee.
		Mohnar.
Bhagulpore	Purneah ...	Kissengunge.
		Raneegunge.
Orissa ...	Pooree ...	Pooree.
Chota Nagpore	Lohardugga...	Dorunda.
		Lohardugga.
		Garwa.
	Manbhoom ...	Rughunathpore.
		Manbazar.
		Jhaldah.
Cooch-Behar	Julpigoree ...	Julpigoree.

Since then Dwarbasinee, Dowlutkhan, and Patuakhali have ceased to be Unions under Chapter III. See note to section 321. Tangail and Mooktagacha have been transformed into second class Municipalities under Chapter II.—*Calcutta Gazette*, 1878, pp. 357, 474.

On the commencement of this Act, Act XXVI of 1850 was in force in Jamalpore in the district of Monghyr, and in Sahibgunge in the Sonthal Pergunnahs.

The District Towns' Act, Bengal Act VI of 1868, has been extended to the town of Dehrooghur by the Government of Assam.—*Assam Gazette*, 1877, p. 66. Since then the Bengal Municipal Act has been extended by the Assam Government to all the districts comprised in the Chief Commissionership of Assam.—*Gazette of India*, 1878, p. 290.

All property of late Commissioners or Committee vested in Commissioners under this Act.

4. All property, moveable and immoveable, of any kind whatsoever, derived under any of the enactments specified in the fifth schedule, or otherwise and vested in or held in trust for the late Commissioners under the said District Municipal Improvement Act, 1864, or the late

Committee under the said District Towns' Act, 1868, shall become vested in the Commissioners under Chapter II and their successors; and all such property vested in or held in trust for the late Commissioners under Act XXVI of 1850, shall become vested in the Commissioners of the Station under Chapter IV and their successors.

The District Municipal Improvement Act, 1864, which vested public highways in Municipal Commissioners for the purposes of the Act, does not by so vesting them give power to the Municipal Commissioners to stop up or divert such public highways.—EMPRESS ON THE PROSECUTION OF JODOONATH GHOSE *vs.* BROJONATH DEY, 2 I. L. R., 425.

Act not to be extended to cantonments without consent of Governor-General.

5. Notwithstanding anything contained in section three, this Act shall not take effect in any cantonment without the consent of the Governor-General in Council previously obtained, nor shall the Lieutenant-Governor extend this Act, or any part thereof, to any cantonment without such consent.

Interpretation.

6. In this Act, unless there be something repugnant in the subject or context—

"Carriage."

(1.) "Carriage" means any wheeled vehicle with springs used for the conveyance of human beings, and ordinarily drawn by animals.

"Cart."

(2.) "Cart" means any cart, hackery, or wheeled vehicle with or without springs, ordinarily drawn by animals, and not included in the definition of "carriage."

"Chapter."

(3.) "Chapter" means a Chapter of this Act.

"Holding."

(4.) "Holding" includes any parcel of land, house, tank, or other immoveable property which has been separately valued for assessment, or in respect of which any person has been separately assessed, or which, in the opinion of the Commissioners, should be separately valued, or in respect of which, in the opinion of the Commissioners, any person should be separately assessed.

"House."

(5.) "House" includes any hut, shop, warehouse, or building.

"Immoveable property."

(6.) "Immoveable property" means land, benefits to arise out of land, houses, things attached to the earth, or permanently fastened to anything attached to the earth.

"Land."

(7.) "Land" means benefits to arise out of land, houses, things attached to the earth, or permanently fastened to anything attached to the earth.

"Moveable property."

(8.) "Moveable property" means property other than immoveable property.

(9.) "Lieutenant-Governor" means the Lieutenant-Governor of Bengal for the time being or the person acting in that capacity.

"Lieutenant-Governor."

(10.) "Magistrate of the district" means the chief Magistrate in a district.

"Magistrate of the district."

(11.) "The Magistrate" includes the Magistrate of the district, the Magistrate in charge of a division of the district in which division a Municipality is constituted, and every Magistrate subordinate to the Magistrate of the district to whom the Magistrate of the district may have made over any duties under this Act.

"The Magistrate."

(12.) "Municipality" means any place (not being a Station as defined in clause (20) or a Union as defined in clause (21) of this section) in which this Act, or any part thereof, is in force.

"Municipality."

(13.) "Offensive matter" means night-soil, sewage, and other contents of privies, drains, and cess-pools.

"Offensive matter."

"Owner."

(14.) "Owner" includes—

(*a*) every person who is entitled for the time being to receive any rent in respect of the land with regard to which the word is used, whether from the occupier or otherwise;

(*b*) a manager on behalf of any such person;

(*c*) an agent for any such person;

(*d*) a trustee for any such person;

provided that no such manager, agent, or trustee, shall be liable to do anything required by this Act to be done by the owner, nor shall he be subject to any fine for omitting to do such thing, unless he have sufficient funds in his hands as such manager, agent, or trustee, to do such thing.

(15.) "Road" means any road, street, square, court, alley, or passage, whether a thoroughfare or not, over which the public have a right of way.

"Road."

(16.) "Rubbish" means all dirt, dung, broken brick, mortar, broken glass, kitchen, or stable refuse, or refuse of any kind whatsoever, and filth of any kind not included in the term "offensive matter."

"Rubbish."

(17.) "Schedule" means a schedule annexed to this Act.

"Schedule."

(18.) "Section" means a section of this Act.

"Section."

(19.) "The Commissioners" means the persons for the time being appointed or elected to conduct the affairs of any Municipality or of any Station (as the case may be) under this Act, and includes *ex-officio* Commissioners under this Act.

"The Commissioners."

(20.) "Station" means any town or suburb in which the provisions of Chapter IV are in force.

"Station."

(21.) "Union" means any city, town, suburb, or bazar in which the provisions of Chapter III are in force.

"Union."

(22.) "Year" means a year beginning on the first day of April, or on such other date as may hereafter be fixed for any Municipality by the Lieutenant-Governor by notification in the *Calcutta Gazette.*

"Year."

CHAPTER II.

Of Municipalities.

Part I.—*Of the Creation of Municipalities.*

Tax on holdings and persons in first and second class municipalities.

7. In every place which, in accordance with the provisions of section three, becomes a Municipality under this Chapter, every person who has been appointed or elected to be a Commissioner or a Member of a Town Committee for such place under any enactment hereby repealed, and who is holding office as such Commissioner or Member at the commencement of this Act, shall be deemed to be a Commissioner duly appointed for such Municipality; and in every such place which becomes a first class Municipality, it shall be deemed that a rate on the annual value of holdings under section seventy-seven, and in every such place which becomes a second class Municipality as aforesaid, it shall be deemed that a tax upon persons under the said section, has been duly imposed; and such rate or tax shall be levied accordingly until the Commissioners at a meeting, with the sanction of the Lieutenant-Governor, shall otherwise direct;

and in every Municipality as aforesaid in which a tax on carriages and animals, or a fee upon the registration of carts, or tolls on roads or on ferries, may have been levied by the Municipal Commissioners or Town Committee before the commencement of this Act, it shall be deemed that the said tax, fee, or tolls have been duly imposed under section seventy-eight, and such tax, fee, or tolls shall continue to be levied accordingly until the Commissioners at a meeting, with the sanction of the Lieutenant-Governor, shall otherwise direct.

Lieutenant-Governor may extend Act.

8. Except as is hereinafter otherwise expressly provided, Chapters I, II, and V may be extended by the Lieutenant-Governor by notification published in the *Calcutta Gazette*, and in the manner prescribed by section three hundred and sixty-five, to any town or village not being within the limits of the ordinary original jurisdiction of the High Court at Fort William in Bengal, from such date as may be specified in such notification, and, save as is hereinafter otherwise provided, such Chapters shall take effect in such town or village on the date so specified;

provided that at least six weeks before publishing any notification as aforesaid, the Lieutenant-Governor shall cause to be published in the town or village concerned a notice of his intention to declare the said town or village to be a Municipality, unless good reason to the contrary be shown within one month.

Any objections which may be made to the proposed measure shall be duly considered by the Lieutenant-Governor before he causes to be issued the notification declaring the town or village to be a Municipality under this Act.

The union of Tangail in the district of Mymensingh has been declared a second class Municipality under this and the following sections.—*Calcutta Gazette*, 1878, p. 357; also the union of Mooktagacha, in the same district, *ibid.*, p. 474.

Municipalities.

9. From the date specified in any notification under the last preceding section, the town or village mentioned in such notification shall be deemed to be created a Municipality for the purposes of this Act.

The notification shall—

(*a*) define the limits of the Municipality;

(*b*) declare whether the same shall, for the purposes of this Act, be a first or second class Municipality.

Transfer of class and variation of limits.

10. The Lieutenant-Governor may, on the recommendation of the Commissioners at a meeting, or of his own motion, by like notification, at any time order that a Municipality be transferred from one class to the other; and may vary the limits of any Municipality or withdraw any town or village from the operation of this Act.

The Municipality of Chenaree in the district of Shahabad has been withdrawn from the operation of the Act as a second class Municipality, and transformed into a Union under Chapter III.—*Calcutta Gazette*, 1877, p. 47.

Conditions on which Municipality may be created.

11. Chapters I, II, and V of this Act shall not be extended to any town or village, unless the Magistrate shall have certified to the Lieutenant-Governor that three-fourths of the adult male population of such town or village are chiefly employed in pursuits other than agricultural; and that such town

or village contains a number of inhabitants not being less than three thousand, and an average number of not less than one thousand inhabitants to the square mile of the area of such town or village.

Conditions on which first class Municipality may be created.

12. No town or village shall be declared to be a first class Municipality, unless the Magistrate shall have certified to the Lieutenant-Governor that such town or village contains at least fifteen thousand inhabitants, and an average number of not less than two thousand inhabitants to the square mile of the area of such town or village.

Lieutenant-Governor may unite places to a Municipality.

13. The Lieutenant-Governor may from time to time, by notification in the *Calcutta Gazette*, declare that any place in which three-fourths of the adult male population are chiefly employed in pursuits other than agricultural, shall be united with any town or village as aforesaid for the purposes of forming a Municipality of the first or second class, as the case may be, provided that no such place shall be so united unless some part of such place be situated within the distance of one mile from some part of such town or village.

Every such declaration shall specify the boundaries of every place so to be united.

Every town or village with which any such place is united, and all places so declared to be united with any such town or village, shall be deemed, for purposes of taxation, and for all other purposes, to form part of one and the same Municipality.

Land between Municipality and place united to form part of Municipality.

14. Notwithstanding anything hereinbefore contained, whenever the Lieutenant-Governor shall declare any place or places as aforesaid to be united with any town or village for the purpose of forming one Municipality, the Lieutenant-Governor may similarly declare that any land by which any such place is separated from the town or village with which it is united, and any land by which any such place is separated from any other such place which is united with the said town or village, shall be deemed to form part of the Municipality for all purposes other than those of taxation.

And such declaration shall specify the exterior boundaries of the entire Municipality as constituted under this and the last preceding section.

PART II.

Of the Municipal Authorities.

Of the Constitution of the Municipality.

Appointment of Commissioners.

15. The Lieutenant-Governor shall from time to time appoint, in every Municipality, proper persons to be Commissioners for carrying out the purposes of this Act;

Provided that the total number of Commissioners holding office in any first class Municipality shall not at any time be less than seven or more than thirty, and in any second class Municipality shall not at any time be less than four or more than twenty;

provided also that not more than one-fourth of the whole number of Commissioners so appointed shall be persons holding in the judicial, police, or revenue departments of the Government service salaried offices of which the functions are exercised within the district in which the Municipality is situated, unless such persons be elected Commissioners under the next succeeding section.

In case such whole number is not evenly divisible by four, the one-fourth shall be ascertained by taking the number next below the whole number, which is evenly divisible by four, as the number to be divided.

Election of Commissioners.

16. The Lieutenant-Governor may at any time direct that the whole or any number of the Commissioners to be appointed under the last preceding section shall be elected, and may lay down such rules as he shall think fit, not being inconsistent with the provisions of this Act, in respect of the qualifications required to entitle any person to stand as a candidate for such election, and to entitle any person to vote for any such candidate, and in respect of the mode of election; and the Lieutenant-Governor may at any time cancel any rule made by him under this section.

But the elective system shall not be introduced into any Municipality unless the Magistrate certifies that at least one-third of the rate-payers residing therein have signed a petition praying for its introduction.

Ex-officio Commissioners.

17. In addition to the Commissioners appointed or elected as hereinbefore provided, the Magistrate of the district, the Magistrate of the division, and the medical officer in charge of the district shall be *ex-officio* Commissioners of every Municipality situated within their respective jurisdictions; and the Lieutenant-Governor may direct, by notification in the *Calcutta Gazette*, that the persons for the time being exercising the functions of the offices to be named in such notification shall be *ex-officio* Commissioners for any or every Municipality to which the functions of the offices held by the persons so appointed may extend.

Ad-interim Vice-Chairman and Commissioners.

18. The Lieutenant-Governor may appoint any persons to be *ad-interim* Vice-Chairman and Commissioners pending the election of Commissioners.

Qualification of Commissioner.

19. No person who is not an owner or an occupier of land in the Municipality shall be appointed or elected a Commissioner in such Municipality; but this section shall

not apply to any person whom the Lieutenant-Governor may direct to be an *ex-officio* Commissioner.

Registration of Commissioner.

20. The Lieutenant-Governor may from time to time accept the resignation of any Commissioner appointed or elected under this Act.

Removal of Commissioner.

21. The Lieutenant-Governor may, on the recommendation of the Commissioners, remove any Commissioner appointed or elected under this Act, if such Commissioner shall have been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct.

Commissioner who neglects to attend meetings, or is sentenced to imprisonment, to cease to be Commissioner.

22. Any Commissioner who, without having obtained permission from the Commissioners, shall have omitted to attend six consecutive meetings of the Commissioners,

and any Commissioner who shall have been sentenced to imprisonment,

shall cease to be a Commissioner.

Tenure of office of Commissioners.

23. Except as hereinafter provided, every Commissioner shall vacate his office at the end of three years from the first day of the year next following the date of his appointment or election as such Commissioner.

Rotation of Commissioners.

24. When Commissioners are for the first time appointed or elected in any place, one-third of the whole number of which the body may consist on the first day of the year next following the date of the appointment or election of such Commissioners, shall retire at the end of one year, and another third at the end of two years, and the rest at the end of three years, to be computed from the first day of the year next following the date of the appointment or election of such Commissioners.

In case such whole number is not evenly divisible by three, the one-third shall be ascertained by taking the number next below the whole number, which is evenly divisible by three, as the number to be divided.

The Commissioners who shall retire at the end of the first and second years respectively shall be selected by lot.

Application of rule of rotation separately to appointed and elected Commissioners.

25. When any Commissioners have been elected in a Municipality, the rule of rotation in the last preceding section shall be applied separately to the Commissioners who have been appointed, and separately to the Commissioners who have been elected.

Calculation of number of the Commissioners.

26. In calculating the whole number of Commissioners for the purposes of section twenty-four, all *ex-officio* Commissioners shall be excluded; and such *ex-officio* Commissioners shall remain Commissioners so long as they continue to hold the respective offices in virtue of which they are respectively Commissioners.

Retirement of Commissioners by rotation.

27. When this Act comes into force in any place in which persons appointed or elected under any enactment hereby repealed remain in office as Commissioners, one-third of the whole number of which the body may consist on the date when this Act so comes into force shall retire at the end of one year, and another third at the end of two years, and the rest at the end of three years, to be computed from the first day of the year next following the date on which this Act shall have come into force in such place.

In case such whole number is not evenly divisible by three, the one-third shall be ascertained by taking the number next below the whole number which is evenly divisible by three, as the number to be divided.

The Commissioners who shall retire at the end of the first and second year respectively shall be selected by lot out of those who have held office for more than three years at the end of such years respectively; and should the number of persons who have held office for more than three years fall short of one-third of the whole number of Commissioners, the number required to make up the one-third shall be selected by lot out of those Commissioners who have held office for less than three years.

When Commissioner may be re-appointed or re-elected.

28. Any person who has resigned the office of Commissioner, or has retired therefrom under sections twenty-three, twenty-four, or twenty-seven, or who has ceased to be a Commissioner in consequence of his failure to attend meetings as provided in section twenty-two, may be at any time re-appointed or re-elected a Commissioner; but no person removed by the Lieutenant-Governor from his office under section twenty-one, or who has ceased to be a Commissioner in consequence of being sentenced to imprisonment, may be elected or re-elected a Commissioner without the sanction of the Lieutenant-Governor.

Chairman of Commissioners.

29. Unless the Lieutenant-Governor shall appoint any other person to be such Chairman, the Magistrate of the district, if the Municipality be within the sudder division, and the Magistrate in charge of the division of the district, if the Municipality be situated within any other than the sudder division, shall be *ex-officio* Chairman of the Commissioners of the Municipality.

The Magistrate of the district may, with the sanction of the Commissioner of the division, delegate to any Magistrate subordinate to him at a sudder station any of the powers vested by this Act in him as the Chairman of the Commissioners of any Municipality, and may withdraw such powers.

In the absence of the Magistrate of a division of the district, the Magistrate of the district may appoint any Magistrate subordinate to him to officiate as Chairman of the Commissioners within such division.

Election of Vice-Chairman.

30. The Commissioners at a meeting shall elect their own Vice-Chairman, subject to the approval of the Lieutenant-Governor; he shall hold office for one year from the beginning of the year next following his election, and shall be eligible for re-election for the following year.

The Vice-Chairman, on election, or re-election, shall be held to be appointed a Commissioner under this Act during his term of office.

The Vice-Chairman may at any time be removed from the office of Vice-Chairman by a resolution of the Commissioners, in favour of which not less than two-thirds of the Commissioners shall have given their votes either personally or in writing;

provided that the Lieutenant-Governor may sanction the election permanently, or for a term of years, of a salaried Vice-Chairman, if proposed by the Commissioners at a Meeting;

provided also that the present salaried Vice-Chairman of any Municipality who has been appointed by the Lieutenant-Governor under the provisions of any enactment hereby repealed shall continue to hold the office until he resigns or is removed with the sanction of the Lieutenant-Governor.

Commissioners incorporated.

31. The Commissioners shall, in the name of their Chairman, by the description of "The Chairman of the Municipal Commissioners of ," be a body corporate, and have perpetual succession, and a common seal, and in such name shall sue and be sued.

Such common seal shall have the name of the Municipality engraved thereon in legible characters in the English language, and also in the vernacular of the district.

Of the Property and Contracts of the Commissioners.

Public roads, &c., vested in the Commissioners.

32. All roads, bridges, embankments, tanks, ghâts, wharves, jetties, wells, channels and drains in any Municipality (not being private property), and not being maintained by Government or at the public expense, now existing, or which

shall hereafter be made, and the pavements, stones, and other materials thereof, and all erections, materials, implements, and other things provided therefor, shall vest in and belong to the Commissioners.

But the Lieutenant-Governor may from time to time, by notification, exclude any road, bridge, embankment, or drain from the operation of this Act, and may cancel such notification wholly or in part; provided that if the cost of the construction of the work shall have been paid from the Municipal Fund, such work shall not be excluded from the operation of this Act without the consent of the Commissioners.

Commissioners may, with consent of owners, take over and repair roads, &c.

33. The Commissioners at a meeting may agree with the person in whom the property in any road, bridge, embankment, tank, ghât, wharf, jetty, well, channel, or drain is vested to take over the property therein, and after such agreement may declare, by notice in writing put up thereon or near thereto that such road, bridge, embankment, tank, ghât, wharf, jetty, well, channel, or drain has been transferred to the Commissioners.

Thereupon the property therein shall vest in the Commissioners, and such road, bridge, embankment, tank, ghât, wharf, jetty, well, channel, or drain shall thenceforth be repaired and maintained out of the Municipal Fund.

Existing hospitals, schools, rest-houses, &c., may be vested in the Commissioners.

34. Every hospital, dispensary, school, rest-house, ghât, and market, not being private property, or the property of a religious institution or society, and all medicines, furniture, and other articles appurtenant thereto, not being such property, which at and after the commencement of this Act shall be found within any Municipality, may, by order of the Lieutenant-Governor, duly published on the spot, be vested in the Commissioners of such Municipality, and thereupon all endowments or funds belonging thereto shall be transferred to, and vested in, such Commissioners as trustees for the purposes to which such endowments and funds were lawfully applicable at the time of such transfer;

provided that no such order shall be published until one month after notice of the intention to transfer such property shall have been published in the *Calcutta Gazette*, and within the Municipality in the vernacular language of the district.

Transfer to be conditional in certain cases.

35. If the Commissioners at a meeting shall, after publication of a notice as is mentioned in the last preceding section, object to the transfer to themselves of any hospital, dispensary, school, rest-house, ghât, or market, on the ground that their funds cannot bear the charge, then such transfer shall not be made save under such conditions as the Commissioners at a meeting may agree to accept.

36. The Commissioners at a meeting may purchase or take on lease any land for the purposes of this Act, and may sell, let, or otherwise dispose of any land not required for such purposes.

Power to purchase, lease, and sell lands.

37. The Lieutenant-Governor, on the application of the Commissioners that any land be acquired for the purposes of this Act, may, on being satisfied that the Commissioners are in a position to pay for such land either at once or in such instalments as the Lieutenant-Governor may think proper, notify under the provisions of the Land Acquisition Act, 1870, or any similar Act for the time being in force for the acquisition of land for public purposes, that such land is required for a public purpose, and may cause such land to be acquired under the provisions of such Act; and on payment by the Commissioners of the compensation awarded under such Act, the land shall vest in them for the purposes of this Act.

Land may be taken up under Land Acquisition Act, 1870.

38. The Commissioners shall be bound to pay to the Government the cost of any land which may be acquired for them on their application under the provisions of the last preceding section.

Commissioners to pay cost of such land.

39. The Commissioners may enter into and perform any contract necessary for the purposes of this Act.

Mode of executing contracts.

Every contract made on behalf of the Commissioners in a first class Municipality in respect of any sum exceeding five hundred rupees, or which shall involve a value exceeding five hundred rupees, and every contract made on behalf of the Commissioners in a second class Municipality in respect of any sum exceeding two hundred rupees, or which shall involve a value exceeding two hundred rupees, shall be sanctioned by the Commissioners at a meeting, and shall be in writing, and signed by at least two of the Commissioners, one of whom shall be the Chairman or Vice-Chairman, and shall be sealed with the common seal of the Commissioners.

Unless so executed, such contract shall not be binding on the Commissioners.

Of the Mode of transacting the Business of the Municipality.

40. The Commissioners shall meet for the transaction of business (if there be any business to be transacted) at their office or at some other convenient place, at least once in every month, and as often as a meeting shall be called by the Chairman, or, in his absence, by the Vice-Chairman.

Commissioners to meet ordinarily once a month.

If there shall be no business to be laid before the meeting at any monthly meeting, the Chairman shall, instead of calling the meeting, give notice of the same to each Commissioner three days before the date which is appointed for the monthly meeting.

And at other times on special requisition.

41. The Chairman, or, in his absence, the Vice-Chairman, shall call a special meeting on a requisition signed by not less than three of the Commissioners.

Who to preside at meetings of the Commissioners.

42. The Chairman, or, in his absence, the Vice-Chairman, shall preside at every meeting, and, in the absence of both the Chairman and Vice-Chairman, the Commissioners shall choose some one of their number to preside.

Questions to be decided by majority.

43. All questions which may come before the Commissioners at a meeting shall be decided by a majority of votes.

Casting vote.

In case of equality of votes, the President shall have a second or casting vote.

Quorum.

44. No business shall be transacted at any meeting of the Commissioners unless such meeting has been called by the Chairman or Vice-Chairman, and unless a quorum shall be present.

A quorum shall be, in any Municipality in which the Commissioners are more than fifteen, five;

in any other Municipality a number being not less than one-third of the entire number of Commissioners;

provided that it shall require two members at least to form a quorum.

Minutes of proceedings.

45. Minutes of the proceedings of all meetings of the Commissioners shall be entered in a book to be kept for the purpose, and shall be signed by the President of the meeting, and such book shall be opened to the inspection of the tax-payers.

Powers of Chairman.

46. The Chairman shall, for the transaction of the business connected with this Act, or for the purpose of making any order authorized thereby, exercise all the powers vested by this Act in the Commissioners;

provided that the Chairman shall not act in opposition to, or in contravention of, any order of the Commissioners at a meeting, or exercise any power which is directed to be exercised by the Commissioners at a meeting.

Chairman may delegate his duties to Vice-Chairman.

47. The Chairman may, by a written order, delegate to the Vice-Chairman all or any of the duties or powers of a Chairman as defined in this Act, subject to such restrictions as may seem fit to him, and may at any time by a written order withdraw the same ;

provided that nothing done by the Vice-Chairman which might have been done under the authority of a written order from the Chairman shall be invalid for want of or defect of such written order, if it be done with the express or implied consent of the Chairman.

Appointment of overseers, clerks, and subordinate officers.

48. The Commissioners at a meeting shall from time to time decide whether a paid Secretary, Engineer, or Health Officer is required or not, and what number of assessors, overseers, clerks, registrars, subordinate officers, servants, and collectors of taxes or tolls, may be necessary for the Municipality, and shall from time to time fix the salaries to be paid to such persons respectively out of the Municipal Fund, and the allowances to be granted to such persons during absence on leave.

Subject to the scale of establishment decided upon by the Commissioners under this section, the Chairman shall have power to appoint such persons as he may think fit, and from time to time to remove such persons and appoint others in their places ;

provided that no person shall be appointed to an office the salary of which is more than two hundred rupees per mensem without the sanction of the Commissioners at a meeting, subject to the approval of the Commissioner of the Division ; and provided also that no officer, whose salary is more than fifty rupees per mensem, shall be dismissed without the sanction of the Commissioners at a meeting.

Security to be taken from collector of taxes or tolls.

49. The Commissioners may take from every collector of municipal taxes or tolls, and from every other officer whose duty it is to receive or expend money on behalf of the Commissioners, such security as they may think proper.

Of Ward Committees.

Power to appoint Ward Committees.

50. The Commissioners at a meeting may divide any Municipality into wards, and thereupon appoint, or cause to be elected, for each ward, not less than three proper persons, whether such persons be or be not Commissioners for the time being, to be Members of the Ward Committee, and the Commissioners at a meeting may define the limits of the ward for which any Ward Committee may be appointed or elected.

Commissioners may lay down rules for election.

51. The Commissioners at a meeting may, with the sanction of the Commissioner of the division, lay down rules, not being inconsistent with the provisions of this Act, in respect of the qualifications required to entitle any person who is not a Commissioner, to stand as a candidate for such election, and to entitle any person to vote for any candidate, and in respect of the mode of election; and the Commissioners may at any time cancel any rule made by them under this section for such election.

Election of Chairman and Vice-Chairman of Ward Committee.

52. Each Ward Committee may, for each year if they see fit, elect their own Chairman and Vice-Chairman (if necessary) from among their own number, provided that if one or more Commissioners are members of the Ward Committee, the Chairman of the Ward Committee shall be a Commissioner.

Commissioners may delegate powers to Ward Committee.

53. The Commissioners at a meeting may delegate to a Ward Committee such of the powers of Commissioners under this Act as to them may seem fit: and such Ward Committee, within the limits of their ward, as defined by the Commissioners at a meeting, may exercise all or any of such powers, and shall be liable to all the obligations imposed by this Act on Commissioners in respect of such powers.

All acts done, orders issued, and assessments made by Ward Committees, shall be subject to the control and revision of the Commissioners at a meeting, who may at any time withdraw all or any of such powers.

Certain sections applicable to transaction of business by Ward Committees.

54. The provisions of sections forty to forty-seven (both inclusive) shall, as far as possible, be applicable to the transaction of business by Ward Committees, and the Commissioners shall sanction the establishments of Ward Committees in accordance with the provisions of section forty-eight.

Removal, resignation, and appointment of Members.

55. All questions regarding the removal, resignation, and appointment of Members of Ward Committees shall be settled by the Commissioners at a meeting.

Liability of Commissioners and Ward Committees.

Personal liability of Commissioners and Members of Ward Committee.

56. No Commissioner or Member of a Ward Committee shall be personally liable for any contract made, or expense incurred, by or on behalf of the Commissioners.

Every Commissioner or Member of a Ward Committee shall be personally liable for any wilful misapplication of money entrusted to the Commissioners to which he shall knowingly have been a party, and he shall be liable to be sued for the same.

57. No Commissioner or Member of a Ward Committee shall be interested, directly or indirectly, in any contract made with the Commissioners, and if any Commissioner shall be so interested, he shall thereby become incapable of continuing in office as a Commissioner, and shall be liable to a fine not exceeding five hundred rupees;

Penalty on Commissioners and others interested in contracts.

provided that no person shall, by reason of being a shareholder in or a member of any incorporated or registered company, be deemed interested in any contract entered into between such company and the Commissioners.

But no such shareholder or member shall act as a Commissioner or Member of a Ward Committee in a matter relating to any contract entered into between such company and the Commissioners.

58. No Commissioner or Member of a Ward Committee shall vote on any question which regards exclusively the assessment of himself, or the valuation of his property, or his liability to any tax.

Commissioners disqualified from voting on certain questions.

PART III.

Of the Municipal Fund and its Application.

59. All sums received by the Commissioners, and all fines paid or levied in any Municipality under this Act, and all other sums which, under the sanction of Government, may be transferred to the Commissioners, shall constitute a fund which shall be called the Municipal Fund, and shall, together with all property of every nature or kind whatsoever, which may become vested in the Commissioners, be under their control, and shall be held by them in trust for the purposes of this Act.

What shall constitute the Municipal Fund.

The Municipal Fund shall be deemed to be the fund applicable to Police purposes mentioned in sections 11 and 48 of Bengal Act II of 1866 (*to provide for the better regulation of Police within the Suburbs of the Town of Calcutta*).

60. The Commissioners shall set apart and apply annually out of the Municipal Fund—

Payment on account of police, interest on loans, and establishment.

first, such sum as they are by this Act required to provide for the maintenance of the municipal police force;

secondly, such sum as may be required for the payment of the interest which may fall due on any loan contracted by the Commissioners;

thirdly, such sum as they are by this Act required to provide for payment of their own establishment and the expenses of their office and for

payment of the Municipal establishments entertained in the offices of the Magistrate and of the Commissioner of the division under section seventy-four.

Purposes to which fund may be applied.

61. After the said sums have been set apart under the last preceding section, the Commissioners at a meeting shall, as far as the Municipal Fund permits, from time to time cause roads, bridges, embankments, tanks, ghâts, wharves, jetties, wells, channels, drains, privies, latrines, and urinals, being the property of the Commissioners, to be maintained and repaired, and the Municipality to be cleansed ;

and may, subject to such rules and restrictions as the Lieutenant-Governor may from time to time prescribe, apply the Municipal Fund to any of the following purposes within the Municipality, that is to say—

(1) the construction and improvement of roads, bridges, embankments, squares, gardens, tanks, ghâts, wharves, jetties, wells, channels, drains, privies, latrines, and urinals ;

(2) the supply of water, and the lighting and watering of roads ;

(3) the erection and maintenance of offices, police-stations, and other buildings required for Municipal purposes ;

(4) other works of public utility calculated to promote the health, comfort, or convenience of the inhabitants ;

provided that for every thousand inhabitants of any Municipality not more than two hundred rupees a year shall be expended on such other works of public utility, unless the Lieutenant-Governor shall, at the request of the Commissioners at a meeting, extend such limit for a special object ;

(5) the construction and repair of school-houses, and the establishment and maintenance of schools either wholly or by means of grants-in-aid ;

(6) the establishment and maintenance of hospitals and dispensaries ;

(7) the promotion of vaccination ;

(8) and generally to carrying out the purposes of this Act ;

provided that no portion of the Municipal Fund shall be applied to the establishment and maintenance of any school, hospital, or dispensary, or to the promotion of vaccination, unless such application be sanctioned by the consent of a majority of the Commissioners present at a meeting specially convened for considering such application, or held after special notice has been given that such application will be considered at such meeting.

The Commissioners may do all things, not being inconsistent with this Act, which may be necessary to carry out the purposes of this section.

Contribution to other Municipalities.

62. With the consent of two-thirds of the Commissioners obtained in writing, and with the sanction of the Lieutenant-Governor, the Commissioners may contribute a portion of the Municipal Fund towards the expenses incurred in any other Municipality, or elsewhere, for any of the purposes mentioned in the last preceding section, and also towards the expenses of making, maintaining, and repairing any work for the improvement of a river or harbour (by whomsoever such work may be done):

but no contribution shall be made under this section to any work unless the same is calculated to benefit the inhabitants of the contributing Municipality.

Account books to be kept open and quarterly statement published.

63. The account books of the Municipality shall be open to the inspection of any tax-payer at the office of the Commissioners on a day to be fixed in each month.

An account showing the receipts and expenditure during the quarter, arranged under the proper heads and duly balanced, shall be prepared immediately after the close of each quarter, and shall, with the account books, be open to the inspection of any tax-payer, and a copy of such account shall be forwarded to the Magistrate of the district.

A similar account shall be prepared for each year as soon as possible after its close, and shall be open to inspection as aforesaid, and a copy thereof shall be forwarded to the Magistrate of the district for submission to the Commissioner of the division.

Annual estimates of expenditure to be prepared.

64. The Commissioners, at a meeting held at least three months before the close of the year, shall prepare in detail estimates showing the probable receipts and expenditure during the ensuing year, and the objects in respect of which it is proposed to incur such expenditure.

Estimates to be published.

65. Copies of the estimates and translations thereof in the vernacular of the district shall be lodged in the office of the Magistrate and in the Municipal office or offices.

During fourteen days after the estimates shall have been so lodged in the said offices, of which due notice shall be locally published, the estimates and translations in the vernacular of the district shall be open to inspection at all reasonable times by any tax-payer of such Municipality who may desire to inspect the same.

Any written suggestion which may be deposited in the office of the Commissioners shall be recorded and laid before them for consideration at the next meeting.

66. After the expiration of the said fourteen days, and after such revision as may appear requisite, the Chairman shall transmit the estimates to the Magistrate of the district with any remarks or objections thereupon which may have been recorded by himself or by the Commissioners at a meeting;

Estimate to be transmitted to Magistrate of district and Commissioner of division.

and the Magistrate of the district shall forward them to the Commissioner of the division together with such remarks or objections, and his own opinion thereon.

67. The Commissioner of the division may either sanction the estimate or may submit it for the consideration of the Lieutenant-Governor. The Lieutenant-Governor may either sanction the estimate as it stands, or sanction it after making such alterations therein as may seem to him fit, or may cause it to be returned to the Commissioners for such modifications as he may think necessary; and when such modifications have been made, the estimate shall be re-submitted to the Commissioner of the division and passed by him.

Power of Commissioner of division and Lieutenant-Governor as to estimates.

68. The Commissioners at a meeting may from time to time revise any estimate of expenditure with the view of providing for any modifications which they may deem it advisable to make in the appropriation of the amount at their disposal, and such revised estimate shall be published, and forwarded for sanction to the Commissioner of the division through the Magistrate of the district in the manner prescribed by section sixty-six; and the Commissioner of the division and the Lieutenant-Governor may deal with such revised estimate in the manner provided by the last preceding section.

Estimate of expenditure may be revised.

69. After the estimates of the Municipality for the year shall have been sanctioned by the Commissioner of the division, the Commissioners at a meeting may from time to time, by a general or a special resolution, authorize the expenditure of any sum provided in such estimates, or any part of such sum, for the purpose to which it has been assigned in such estimate.

Disbursement of expenditure sanctioned in estimate.

Notwithstanding anything contained in this section, the Lieutenant-Governor may lay down such rules as he may think fit, limiting or regulating the powers of any Municipality in respect to the expenditure of money for purposes which are provided for in the budget estimates of the year.

70. If any work is estimated to cost above three thousand rupees, the Lieutenant-Governor may require the plans and estimates of such work to be submitted for his approval, or for the approval of any officer of Government, before such work is commenced;

Power of Lieutenant-Governor if work estimated to cost more than Rs. 3,000.

and may require statements of the progress and completion of such work, with accounts of the expenditure on the same, to be submitted, from time to time, in such form as he may prescribe, for his approval, or for the approval of such officer of Government.

Disbursement of excess expenditure.

71. It shall not be lawful for the Commissioners to authorize the expenditure on any object during the year of a sum in excess of that which has been sanctioned in the estimate of the year, or in a revised estimate, for such object; but if it be found necessary in the course of the year, the Commissioners may recommend to the Commissioner of the division that the allotments which have been made to the different heads of the estimate shall be modified by transfer of any amount from one head to another, and the Commissioner of the division may sanction such transfers of allotment.

An annual report of proceedings, &c., to be submitted.

72. The Commissioners shall, at such time and in such form as the Lieutenant-Governor shall direct, furnish annually a report of their proceedings and statements of the works executed by them, and of all sums received and expended by them.

The report and any orders which may be passed thereon by Government shall be open to the inspection of the tax-payers at the office of the Commissioners with the account books and the quarterly and annual accounts; and the Lieutenant-Governor may, if he think fit, cause any such report to be published in the *Calcutta Gazette.*

Audit of accounts.

73. The Municipal accounts shall be audited each year by such person and in such manner as the Lieutenant-Governor shall direct, and the expense of such audit shall be paid from the Municipal Fund.

Expense of clerks in office of Magistrate and Commissioner.

74. The Lieutenant-Governor may direct that the cost of maintaining clerks or other establishments in the offices of the Magistrate of the district and of the Commissioner of the division, for the audit of accounts and the requisite correspondence connected with the purposes of this Act, shall be paid in rateable proportion from the funds of the several Municipalities which may be constituted under this Act in such district or division.

And the Commissioners of every Municipality shall pay to the Magistrate of the district the sum which they may be required to pay for the purposes of this section and the last preceding section.

Custody of the Municipal Fund.

75. All sums received on account of the Municipal Fund shall be paid into a Government treasury, or into any bank or branch bank used as a Government treasury in or near

to the Municipality, and shall be credited to an account to be called the account of the Municipality to which they belong;

provided that the Commissioners may invest any moneys not required for immediate use either in the Government Savings' Bank or in Government securities, or in any other form of security which may be approved of by the Lieutenant-Governor.

Orders for payment of money.

76. Unless the Lieutenant-Governor shall expressly extend (as he is hereby empowered to do on the recommendation of the Commissioners) the limit of the powers of the Chairman or Vice-Chairman in this behalf, all orders for the payment of money from the Municipal Fund, if for a sum not above five hundred rupees in a first class Municipality, and not above two hundred rupees in a second class Municipality, shall be signed by the Chairman or Vice-Chairman; and all orders for larger sums by both of the said officers or by one of the said officers and another Commissioner.

No such orders shall be issued otherwise than for the payment of money of which the expenditure has been authorized by the Commissioners at a meeting, as provided in section sixty-nine.

PART IV.

Of Municipal Taxation.

Of the Power to impose Taxes and Tolls.

Alternative tax upon persons or holdings.

77. The Commissioners may from time to time, at a meeting convened expressly for the purpose, of which due notice shall have been given, and with the sanction of the Lieutenant-Governor, impose within the limits of the Municipality one or other, but not both, of the following taxes:—

(*a*) a tax upon persons occupying holdings within the Municipality according to their circumstances and property within the Municipality;

provided that the total sum to be raised by such tax in any year shall not exceed the sum which would be produced by an average rate of two rupees and four annas per annum for each holding, and that the amount assessed in respect of the occupation of any one holding shall not be more than eighty-four rupees per annum; or

(*b*) a rate on the annual value of all holdings situated within the Municipality;

provided that such rate shall not exceed seven and a half per centum on the annual value of such holdings, except within the Municipality of Dacca, in which it shall not exceed ten per centum on such annual value; and provided also that no rate shall be imposed on any holding of which the annual value is less than six rupees.

Additional taxes.

78. The Commissioners may from time to time, at a meeting convened as aforesaid, and with the sanction of the Lieutenant-Governor, order that the following tax, fee, and tolls, or any of them, be levied within the limits of the Municipality in addition to either of the taxes mentioned in the last preceding section :—

(*a*) a tax on carriages, horses, and other animals named in the third schedule.

(*b*) a fee on the registration of carts.

(*c*) tolls on ferries and (subject to the provisions of sections one hundred and forty-nine and one hundred and fifty) tolls upon bridges and metalled roads.

Of the Tax on Persons.

Assessment list to be prepared.

79. When it has been determined that a tax shall be imposed on persons occupying holdings within the Municipality according to their circumstances and property, the Commissioners, after making such enquiries as may be necessary, shall cause to be prepared an assessment list which shall contain the following particulars, and any others which the Commissioners may think proper to include :—

(*a*) name of the street or road in which the holding is situated ;

(*b*) number of the holding on the register;

(*c*) name of person occupying the holding, whether such person be assessed or exempted from assessment;

(*d*) description of the holding, and of the property within the Municipality, with profession or business of the person assessed;

(*e*) amount of annual assessment;

(*f*) amount of quarterly instalment;

(*g*) if the occupier of the holding is exempted from assessment, a note to that effect.

The tax upon persons shall be payable in quarterly instalments by persons occupying holdings.

Such tax shall not be assessed or levied on any person in respect of the occupation of arable lands or of any building which is used exclusively as a place of worship.

Duration of assessment.

80. Save as is herein otherwise provided, every assessment of the tax upon persons shall take effect from the beginning of the year next following that in which the notice required by section one hundred and three is published, and shall be valid for three years and until the beginning of the year next after the date on which a new assessment or valuation may be published, or until the assessment and valuation be revised and amended;

provided that when Chapters I, II, and V are extended to any place, the first assessment may take effect from the beginning of the quarter next following that in which the said notice shall be published;

provided also that whenever the tax on persons which was assessed under the District Towns' Act, 1868, remains in force in any second class Municipality and is levied therein under the provisions of section seven, the Commissioners may revise such assessment, or may make a new assessment, and may order that such revision or new assessment shall take effect from the beginning of the year next following the date on which the notice required by section one hundred and three is published.

Assessment of public buildings.

81. In any Municipality in which the tax on persons is imposed, no tax shall be assessed on any person in respect of his occupation of any holding which is the property of Government and is used for the purposes of a public building, but a rate of seven and a half per centum shall be assessed on the annual value of every such holding, to be ascertained in the manner prescribed by section ninety-two, and such rate shall be payable by the Government.

Procedure if aggregate amount of rates assessed on any person exceeds Rs. 84 per annum.

82. Whenever any tax shall have been assessed on any person in respect of his occupation of two or more holdings, and the aggregate of the amount so assessed upon him shall exceed eighty-four rupees per annum, such person may, within fifteen days of the publication of the notice required by section one hundred and three, apply to the Commissioners to cancel such assessment, and to substitute for the total amount of tax so assessed upon him in respect of the said holdings a rate to be calculated at seven and a half per centum on the annual value of such holdings; and the Commissioners shall thereupon substitute such rate; and for the purpose of calculating the amount of such rate, shall determine the annual value of the said holdings in the matter prescribed by section ninety-two.

Every rate imposed under this section shall be payable by the occupier of the holdings so rated.

Power of exemption.

83. The Commissioners may exempt from assessment any person who may by them be deemed too poor to pay the tax; but the name of the occupier of every holding shall be included in the assessment list, whether he be assessed or exempted from assessment.

Power to apply for reduction of assessment in altered circumstances.

84. Any person mentioned in the assessment list, who shall at any time after the publication thereof have ceased to occupy any holding in respect of the occupation of which he has been assessed, or whose means and property in respect of which he has been so assessed shall have been reduced, may apply to the Commissioners to exempt him from his assessment or to revise the same.

Power to alter assessment.

85. The Commissioners may, at any time after the publication of the notice required by section one hundred and three, assess any person who was without authority omitted from the assessment list, or whose liability to assessment has accrued thereafter, and may enhance any assessment which appears to them to be inadequate, and to have been so made owing to mistake or fraud.

any assessment or enhancement made under this section shall take effect from the beginning of the quarter next following that in which such assessment or enhancement is made.

Procedure on change of occupation.

86. The Commissioners may at any time substitute for any name mentioned in the assessment list the name of any new occupier of a holding, and may assess the tax on such person, and such person shall be liable to pay such assessment from the date on which his occupation of the holding commenced.

Assessment on vacant holdings when to cease.

87. If any holding shall become vacant in the course of the year, the assessment on account of the occupation of such holding shall cease to have effect from the first day of the quarter next following that in which it become vacant.

Of the Rate on the value of Holdings.

Commissioners to determine the valuation of holdings.

88. When it has been determined that a rate shall be imposed on the annual value of holdings, the Commissioners, after making such enquiries as may be necessary, shall determine the valuation of all holdings within the Municipality as hereinafter provided.

89. Save as is herein otherwise provided, such valuation shall be valid for three years from the date on which it first takes effect in the Municipality, and until the beginning of the year next after the date on which a new valuation may be made, or until the valuation be revised and amended;

Duration of assessment.

provided that whenever the tax on the value of holdings which was imposed and assessed under the District Municipal Improvement Act, 1864, remains in force in any Municipality and is levied thereon under the provisions of section seven, the Commissioners may revise the valuation and rating according to which such tax is being levied, or may make a new valuation and rating, and may order that such revision or such new valuation and rating shall take effect from the beginning of the year next following the date on which the notice required by section one hundred and three is published.

90. The rate on the value of holdings shall not be assessed or levied on any holding which is used exclusively as a place of worship.

Buildings exempted from tax.

91. The Commissioners, in order to prepare the valuation list, may, whenever they think fit, by notice, require the owners or occupiers of all holdings to furnish them with returns of the rent or annual value thereof, and the Commissioners, or any person authorized by them in that behalf, at any time between sunrise and sunset, may enter, inspect, and measure any such holding after having given forty-eight hours' previous notice of their intention to the occupier thereof.

What returns may be required for ascertaining annual value.

92. The gross annual rent at which any holding may be reasonably expected to let, shall be deemed to be the annual value thereof, and such value shall accordingly be determined by the Commissioners, and entered in the valuation list.

Annual value of holding how to be ascertained.

93. Subject to the provisions of section seventy-seven, the Commissioners, at a meeting to be held before the close of the year next preceding the year to which the rate will apply, shall determine the percentage on the valuation of holdings at which the rate shall be levied, and the percentage so fixed shall remain in force until the order of the Commissioners determining such percentage shall be rescinded, and until the Commissioners, at a meeting, shall determine some other percentage on the valuation of holdings at which the rate will be levied from the beginning of the next year;

Determination of rate of tax on holdings.

provided that when Chapters I, II, and V are extended to any place, the first rate may be levied from the beginning of the quarter next after

that in which the percentage has been fixed by the Commissioners at a meeting.

Preparation of valuation and rating list.

94. As soon as possible after the percentage at which the rate is to be levied on the next year shall have been determined under the last preceding section, the Commissioners shall cause to be prepared a valuation and rating list, which shall contain the following particulars, and any others which the Commissioners may think proper to include :—

(*a*) name of street or road in which the holding is situated ;
(*b*) number of the holding on the register ;
(*c*) description of the holding ;
(*d*) annual value of the holding ;
(*e*) name of owner ;
(*f*) amount of rate payable for the year ;
(*g*) amount of quarterly instalment ;
(*h*) if the holding is exempted from assessment, a note to that effect.

The rate upon holdings shall be payable in quarterly instalments by the owner of the holding.

Power to assess upon a house consolidated tax for house and land on which it stands.

95. If any house belongs to one owner, and the land on which it stands, and the adjacent land which is usually occupied therewith, belongs to another, the Commissioners may value such house and land together, and may impose thereon one consolidated rate.

The total amount of the rates shall be payable by the owner of the house, who shall thereafter be entitled to deduct from the rent which he pays for the land such proportion of the rate so paid by him as is equal to the proportion which such rent bears to the annual value of the holding.

If the owner of the house and the owner of the land do not agree in respect of the proportion of the rate so deducted by the owner of the house, the Commissioners shall, on the application of either party, make an award declaring the amount payable by each, and such award shall be final.

Tax due from non-resident owner may be recovered from occupier, and deducted by him from his rent.

96. If the sum due from the owner of any holding remains unpaid after the notice of demand has been duly served, and such owner be not resident within the Municipality, or the place of abode of such owner be unknown, the same may be recovered from the occupier for the time being of such holding, who may deduct, from the next and following payments of his rent, the amount which may be so paid by or recovered from him ;

provided that no arrear of rate, which has remained due from the owner of any holding for more than one year, shall be so recovered from the occupier thereof.

Power of Commissioners in cases of excessive hardship.

97. Whenever, from the circumstances of the case, the levy of the rate on any holding in the Municipality would be productive of excessive hardship to the person liable to pay the same, the Commissioners at a meeting may reduce the amount payable on account of such holding, or may remit the same.

Application for reduction of assessment.

98. If the value of any holding shall be diminished from any cause beyond the control of the owner thereof, the owner thereof may apply for reduction of the valuation of the same.

Power to revise valuation and assessment.

99. The Commissioners may, at any time after the publication of the notice required by section one hundred and three, value and rate any holding which was without authority omitted from the valuation and rating list, or which has become liable to valuation and rating after the publication thereof, and may enhance the valuation and rating of any holding which may appear to have been insufficiently valued or rated through mistake or fraud; and may re-value and re-assess the rate on any holding, the value of which has been increased by additions or alterations to any building thereon.

Any rate imposed or enhancement made under this section shall take effect from the beginning of the quarter next following that in which the rate shall be imposed or enhancement made.

Power to revise assessment list.

100. The Commissioners may at any time substitute for any name mentioned in the valuation and rating list the name of any person to whom any holding mentioned therein shall have been transferred.

Such person shall be liable to pay the rate payable on such holding from the first day of the quarter next after the date of the transfer.

Remission or refund on account of vacant holdings.

101. When any holding has been vacant for sixty or more consecutive days during any year, the Commissioners shall remit, and, if the rate has been paid, shall refund, one-half of so much of the rate of that year as may be proportionate to the number of days the said holding has remained unoccupied; provided that the owner of such holding, or his agent, has given to the Commissioners notice in writing of the vacancy thereof.

The amount of tax to be remitted or refunded shall be calculated from the date of the delivery of such notice.

Penalty.

102. Whoever, being the owner of any holding for which a remission or refund of the rate has been made under the last preceding section, fails to give notice of the re-occupation of such holding within ten days of such re-occupation, shall be liable to a fine not exceeding three times the amount of rate payable quarterly on such holding.

Of general provisions relating to the tax on persons and the rate on holdings and to the recovery of the same.

Publication of notice of assessments.

103. When the assessment list of the tax upon persons or the valuation and rating list of the rate on the annual value of holdings shall have been prepared or revised, the Chairman shall sign the same, and shall cause it to be deposited in the office of the Commissioners, and shall cause the notice in form A or the notice in form B of the first schedule (as the case may be) to be published in the manner prescribed by section three hundred and sixty-five.

Application for review.

104. Any person who is dissatisfied with the amount assessed upon him, or with the valuation or rating of any holding,

or who disputes his occupation of any holding,

or his liability to be assessed, or rated,

may apply to the Commissioners to review the amount of assessment, valuation, or rating, or to exempt him from the assessment or rate.

Procedure upon review.

105. Every application presented under the last preceding section shall be heard and determined by not less than three Commissioners, who shall be appointed on that behalf by the Chairman. The Commissioners so appointed, after making such inquiries as they may deem necessary, may pass such order as they shall think fit in respect of such application.

The decision of such Commissioners, or of a majority thereof, in such cases shall be final.

It was held that a suit to set aside an order made on an appeal under the corresponding section of Bengal Act III of 1864 to the Municipal Commissioners against a rate assessment, and to reduce the tax levied by them under that Act, on the ground that they have tried the appeal in an improper way, and have exceeded their powers and acted contrary to the provisions of the Act, cannot be maintained in the Civil Courts—MANESSUR DASS *vs.* THE COLLECTOR AND MUNICIPAL COMMISSIONERS OF CHAPRA, 1 I. L. R., 409.

Limitation of time for application of review.

106. Unless good cause shall be shown to the satisfaction of such Commissioners for extending the time allowed, and save as is otherwise expressly provided in this Act, no such application shall be received after the expiration of one month from the date of publication of the notice required by section one hundred and

three relating to the list containing the assessment, valuation, or rating in respect of which the application is made, or after the expiration of fifteen days from the date of service of the first notice of demand for payment at the rate in respect of which the application is made, whichever period shall last expire.

Assessment to be questioned only under Act.

107. No objection shall be taken to any assessment or rating, nor shall the liability of any person to be assessed or rated be questioned in any other manner or by any other authority than in this Act is provided.

Office hours for payment of taxes.

108. By notification to be posted up in their office, the Commissioners shall declare at what hours of each day (not being a Sunday or other recognized holiday) the office shall be open for the receipt of money.

Tax payable in advance.

109. The amount due by any person on account of the tax on persons, or the rate on holdings, shall be deemed to be the amount entered in the lists, the notice relating to which is published under section one hundred and three, unless the amount entered in such lists is subsequently altered by the Commissioners as provided in this Act, in which case the amount to which the assessment or rating is so altered shall be deemed to be the amount due.

Every instalment of such tax or rate shall be deemed to be due on the first day of the quarter in respect of which such instalment is payable.

Receipts to be given.

110. For all sums paid on account of any tax or rate under this Act, a receipt stating the amount and the tax or rate on account of which it is paid shall be given, signed by the tax-collector or by some other officer authorized by the Commissioners to grant such receipts.

Bill and notice of demand to be presented after one month.

111. At any time within six months after any sum has become due on account of any tax or rate, the Commissioners shall cause to be served upon the person liable to the payment thereof a bill for the said sum, which shall contain a statement of the period and of the tax or rate on account of which the charge is made.

If the amount mentioned in such bill be not paid on presentation thereof, a notice of demand in the form marked A in the second schedule, with copy of the bill appended thereto, shall be served on the person liable to pay the same, and such notice of demand may be served at any subsequent time, provided that no charge shall be made in respect of the service of such notice.

Such notice shall be signed by the Chairman or an officer authorized in that behalf, and shall be served by a person authorized to receive payment.

If not paid in fifteen days process of distress may issue.

112. If any person, after service upon him of such bill and notice, shall not, within fifteen days of the service of such notice or from the date of any order made on an application for review under section one hundred and five, pay the sum due, either to the Commissioners at their office, or to some person authorized by them to receive the money, or show to the Commissioners sufficient cause for not paying the same, the amount of the arrear due, with costs on the scale shown in the table of fees marked B in the second schedule, may, at any time within three months after the date of service of the said notice, or of the order made on an application to review as aforesaid, be levied by distress and sale of any moveable property belonging to the defaulter, except ploughs, plough-cattle, tools or implements of trade or agriculture, wherever found, or of any such moveable property, subject to the same exceptions, which may be found within the holdings in respect of which such defaulter is liable to such tax or rate.

If the said property or any part thereof belong to any person other than the defaulter, the defaulter shall be liable to indemnify the owner thereof for any damage he may sustain by reason of such distress, or by reason of any payment he may make to avoid such distress or any sale under the same.

Distress how to be made.

113. Every warrant of distress and sale under the last preceding section shall be issued by the Commissioners, and shall be in the form marked C in the second schedule.

Distress shall be made by actual seizure of moveable property, and the officer charged with the execution of the warrant shall be responsible for the due custody thereof.

Such officer shall make an inventory of all moveable property seized under the warrant, and shall give not less than ten days' previous notice of the sale, and of the time and place thereof, by beat of drum, in the Municipality or Ward in which the property is situated, and by serving on the defaulter a notice in the form marked D in the second schedule;

provided that if the property is of a perishable nature, it may be sold, with the consent of the defaulter, at any time after the expiry of twenty-four hours from the seizure.

Officer may break open door.

114. The officer charged with the execution of the warrant may, under the special order of the Commissioners, between sunrise and sunset, break open any outer or inner door or window of a house, in order to make the distress, if he has reasonable ground for believing that such house contains any moveable property belonging

to the defaulter, and if, after notification of his authority and purpose and demand of admittance duly made, he cannot otherwise obtain admittance;

provided that he shall not enter or break open the door of any room appropriated for the zenana, or residence of women, which by the usage of the country is considered private, except after three hours' notice and opportunity given for the retirement of the women.

Sale how to be conducted

115. If the sum due be not paid with costs before the time fixed for the sale, or the warrant be not discharged or suspended by the Commissioners, the moveable property seized shall be sold by auction, at the time and place specified, in the most public manner possible, and the proceeds shall be applied in discharge of the arrears and costs; and the surplus, if any, shall be returned on demand to the person in possession of the moveable property at the time of the seizure; or if unclaimed for a period of twelve months, shall be transferred to the Municipal Fund.

Return of sales.

The tax-collector or other officer authorized in that behalf shall make a return of all such sales to the Commissioners in the form marked E in the second schedule.

Certain persons prohibited from purchasing at sales.

116. All officers and servants of the Commissioners, and all chowkeedars, constables, and other officers of Police, are prohibited from purchasing any property at any such sale.

Commissioners to keep account of distresses and sales.

117. The Commissioners shall cause a regular account to be kept of all distresses levied and sales made for the recovery of taxes under this Act.

Sales of property beyond limits of Municipality.

118. If no sufficient goods or chattels belonging to a defaulter, or being upon the premises in respect of which he is assessed or rated, can be found within the Municipality, the Magistrate may, on the application of the Commissioners, issue his warrant to any officer of his Court for the distress and sale of any personal property or effects belonging to the defaulter within any other part of the jurisdiction of the Magistrate, or for the distress and sale of any personal property belonging to the defaulter within the jurisdiction of any other Magistrate whatsoever, and such other Magistrate shall endorse the warrant so issued, and cause it to be executed, and the amount, if levied, to be remitted to the Magistrate issuing the warrant, who shall remit the same to the Commissioners.

Distress or sale not unlawful for want of form.

119. No distress or sale made under this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any error, defect, or want of form in the bill, notice, summons, warrant of distress, inventory, or other proceeding relating thereto.

Commissioners may bring suit instead of distraining, or on failure of distress.

120. Instead of proceeding by distress and sale, or in case of failure to realize thereby the whole or any part of any tax, the Commissioners may sue the person liable to pay the same in any Court of competent jurisdiction.

Irrecoverable taxes.

121. The Commissioners may order to be struck off the books the amount of any tax or rate which may appear to them to be irrecoverable.

Of the Tax on Carriages, Horses, and other Animals.

Tax on carriages, horses, and other animals.

122. When it has been determined that a tax on carriages, horses, and other animals specified in the third schedule shall be imposed, the Commissioners at a meeting shall make an order that every carriage, horse, and every other animal of the kind specified in the third schedule which is kept or habitually used within, or which is let for hire within or without the Municipality, and habitually used within it, shall pay the tax, and shall cause such order to be published in the manner prescribed by section three hundred and sixty-five.

Such order shall be published at least one month before the beginning of the half-year in which such tax shall first take effect; and shall specify at what rates, not exceeding the rates given in the third schedule, such tax shall be levied.

But such tax shall not be imposed on—

(*a*) horses or ponies belonging to officers doing regimental duty, at the rate of one animal for each officer;

(*b*) animals exempt from any Municipal tax under section 25 of the Indian Volunteers' Act, 1869;

(*c*) carriages or animals belonging to Government, or to the Municipality, or for keeping which for the execution of their duty an allowance is made by the Government or by the Commissioners to any of their officers;

(*d*) animals used by, or exclusively for the purposes of, any regiment;

(*e*) horses or ponies used by police officers, at the rate of not more than one for each officer;

(*f*) carriages, the wheels of which do not exceed twenty-four inches in diameter;

(*g*) animals under eleven hands in height;

(*h*) carriages or animals kept for sale by any *bonâ fide* dealer in such carriages or animals, and not used for any other purpose.

Tax so fixed to continue in force until altered.

123. Any order of the Commissioners imposing a tax under the last preceding section shall continue in force until rescinded, and the tax shall be levied at the rates specified in the order published as aforesaid, unless and until the Commissioners at a meeting, held not less than fifteen days before the end of the year, make and publish an order specifying any different rates at which the tax shall be payable for the ensuing year.

Licenses how to be obtained.

124. In any Municipality in which a tax has been imposed under the last preceding section, the owner of every carriage, horse, and other animal specified in the third schedule shall, within the first month of each half-year, forward to the Commissioners a statement in writing, signed by him, containing a description of the carriages, horses, and other animals liable to the tax for which he is bound to take out a license.

Such owner shall, at the same time, pay to the Commissioners such sum as shall be payable by him for the current half-year for the carriages, horses, and other animals specified in such statement, according to the rates specified in any order for the time being in force, under the two last preceding sections.

Proportionate tax on carriages, &c., acquired during half-year.

125. If any person acquires possession at any time after the commencement of any half-year, of any carriage, horse, or other animal specified in the third schedule, in respect of which no license has been given for such half-year, he shall forward a statement, as above required, within one month of the date on which he may have acquired possession thereof, and shall pay such amount of the tax as shall bear the same proportion to the whole tax for the half-year as the unexpired portion of the half-year bears to the half-year; and such amount shall be calculated from the date on which such person may have acquired possession as aforesaid.

On payment of tax, Commissioners to give a license.

126. On receiving the amount of the tax due as aforesaid, the Commissioners, or some person authorized by them in that behalf, shall give to the person paying the same a license for the several carriages, horses, and other animals for the period in respect of which the amount is received.

Such license shall be for the current half-year and no longer.

Carriages, &c, liable to the tax although the owner be absent.

127. Whenever the owner of any carriage, horse, or other animal liable to pay the said tax is not resident within the limits of the Municipality to the Commissioners of which the tax is due, the person in whose immediate possession the carriage, horse, or other animal is, for the time being kept, shall take out a license for the same.

128. Whoever keeps, or is in possession of, any carriage, horse, or other animal without the license required by the three last preceding sections, shall be liable to a fine not exceeding three times the amount payable by him in respect of such license, exclusive of the amount so payable.

Penalty.

129. The Commissioners, at their discretion, may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages or animals for hire, for a certain sum to be paid for the carriages or animals so kept by such person, in lieu of the tax at the rates specified in any order made by the Commissioners under sections one hundred and twenty-two and one hundred and twenty-three.

Commissioners may compound with livery stable keepers.

130. The Commissioners shall from time to time cause to be prepared and entered in a book, to be kept by them, and to be open to the inspection of any person interested therein, a list of the persons to whom, during the then current half-year, a license has been given, and of the carriages, horses, and other animals in respect of which they have paid the tax.

List of persons licensed to be prepared.

131. The Commissioners, or any person authorized by them in that behalf, may, at any time between sunrise and sunset, enter and inspect any stable or coach-house, or any place wherein they may have reason to believe that there is any carriage, horse, or other animal liable to the tax for which a license has not been duly taken out.

Power to inspect stable, &c., and to summon persons liable to the payment of the tax.

And the Commissioners may summon any person whom they have reason to believe to be liable to the payment of any such tax, or any servant of such person, and may examine such person or servant as to the number and description of the carriages, horses, and other animals in respect of which such person is liable to be taxed.

132. On proof being given to the satisfaction of the Commissioners that a carriage, horse, or other animal for which a license has been taken out for any half-year has ceased to be kept or to be used within the Municipality during the course of such half-year, the Commissioners shall order a refund of so much of the tax for the half-year as shall bear the same proportion to the whole tax for the half-year as the period during which such carriage, horse, or other animal has not been kept or used in the Municipality bears to the half year; but no such refund shall be allowed unless notice be given to the Commissioners within one month of the time when such use of such carriage, horse, or other animal ceased, and the Commissioners shall pass no order for refund until after the close of the half-year in respect of which the refund is claimed.

Refund of tax in certain cases.

Of the Registration of Carts.

133. The Commissioners at a meeting may make and publish an order that every cart, which is kept or habitually used within, or which is let for hire within or without the Municipality and habitually used within it, shall be registered by the Commissioners with the name and residence of the owner, and shall bear the number of registration in such manner as the said Commissioners shall direct.

Registration and number of carts.

This section shall not apply to carts,

(*a*) which are the property of the Government or of the Municipality;

(*b*) which are kept without the limits of the Municipality, and are only temporarily and casually used within such limits;

(*c*) which are kept in Howrah on within the Suburbs of Calcutta.

134. The registration of carts under the last preceding section shall be made, and the numbers assigned yearly, or half-yearly, upon such days as the Commissioners shall notify; and such fee as they shall from time to time fix and notify, not exceeding four rupees if the registration has effect for a year, and not exceeding two rupees if the registration has effect for half a year, shall be paid for each registration.

Fee for registration.

135. Any person becoming possessed of any cart which has not been registered for the then current period of registration, shall register the same within one month of the date on which he may have become possessed thereof, and the Commissioners shall grant registration in any such case on payment of such amount of the fee as shall bear the same proportion to the whole fee for the current period of registration as the unexpired portion of the current period of registration bears to the whole of such period; and such fee shall be calculated from the date on which such person may have become possessed as aforesaid.

Proportionate payment of fee.

136. When the ownership of any registered cart is transferred within any period of registration, it shall be registered anew within one month of the transfer in the name of the person to whom it has been transferred, and a fee not exceeding four annas shall be paid for every such last-mentioned registration.

Transfer of ownership.

137. Whoever keeps or is in possession of a cart not duly registered as required by the three last preceding sections, shall be liable to a fine not exceeding three times the amount payable by him in respect of such registration, exclusive of the amount so payable; and whoever, being the owner or driver of any cart, shall fail to affix thereto the registration number as required by section one hundred and thirty-three, shall be liable to a fine not exceeding five rupees.

Penalty.

138. If any person owns or keeps any cart hereinbefore required to be registered without having caused the same to be registered, the Commissioners, or any person authorized by them in that behalf, may seize and detain such cart (provided the same be not employed at the time of seizure in the conveyance of any passengers or goods) together with the animals drawing the same; and all Police officers are required, on the application of the Commissioners, or of any servant of the Commissioners duly authorized in that behalf, to assist in the said seizure.

Seizure and sale of unregistered cart.

After such seizure the Commissioners shall forthwith issue a notice in writing that after the expiration of ten days they will sell such vehicle and animals by auction at such place as they may state in the notice; and if any registration fee, together with the cost arising from such seizure and custody, remains unpaid for ten days after the issue of such notice, the Commissioners may sell the property seized for payment of the said fee, and of all expenses occasioned by such non-payment, seizure, custody, and sale.

Any balance that may remain out of the proceeds of the sale shall be returned, on demand, if made within twelve months, to the owner of the property, and if unclaimed after such period, shall be credited to the Municipal Fund;

provided that if at any time before the sale is concluded the person whose cart has been seized shall tender to the Commissioners, or the person authorized by them to sell the cart, the amount of all the expenses incurred, and the registration fee payable by him, the Commissioners shall forthwith release the cart so seized.

Notwithstanding anything contained in this section, the surplus of the sale proceeds of a cart seized under this section may be devoted to the payment of any fine imposed under the last preceding section; and any cart which has been seized under this section may be sold for the realization of any such fine.

Of Tolls on Ferries.

139. The Lieutenant-Governor may, with the consent of the Commissioners, make over to the Commissioners any existing public ferry within or adjacent to the limits of the Municipality, to be administered by such Municipality until the Lieutenant-Governor shall otherwise direct.

Existing public ferries.

Every ferry while so administered shall be deemed to be a Municipal ferry, and the profits derivable therefrom, or such part of the profits as the Lieutenant-Governor shall order, shall be carried to the credit of the Municipal Fund.

140. The Commissioners may also, with the sanction of the Lieutenant-Governor, declare that any other ferry within or adjacent to the limits of the Municipality is a municipal ferry, and the profits derivable therefrom shall thenceforward be carried to the credit of the Municipal Fund;

Other ferries may be declared to be municipal.

provided that due compensation shall be made by the Municipality to any person for the loss which he may have sustained in consequence of such ferry being declared to be a municipal ferry.

The amount of compensation due in such cases shall be ascertained and awarded by the Magistrate under the provisions of section 4 of Bengal Act I of 1866 (*to amend certain provisions of Regulation VI of* 1819) or any similar law for the time being in force.

141. Every municipal ferry shall be maintained by the Commissioners, and they shall do all things necessary to provide for the safety and convenience of travellers, and the safety of property to be conveyed in such ferry.

Duties of Commissioners in regard to such ferries.

142. When it has been determined to impose tolls on municipal ferries, the Commissioners at a meeting shall make and publish an order specifying the ferries, and, with the sanction of the Lieutenant-Governor, the rates at which such tolls shall be levied.

Rate of tolls to be established and published.

Such rates may from time to time be varied with the like sanction.

143. No person shall be liable to pay any toll for crossing any river or stream at or near a municipal ferry unless he avails himself of the means provided by the Commissioners for crossing such river or stream.

When persons crossing river not liable to toll.

144. Every lease of a ferry given by the Commissioners as hereinafter provided shall be liable to be cancelled at once, if it shall appear to the Commissioners at a meeting that the lessee has failed to make due provision for the convenience or safety of the public within fifteen days after being required to do so by a notice in writing from the Commissioners.

Cancellation of ferry lease, &c.

On the cancelment of a lease, the Commissioners may take possession of all boats and other appliances which have been used by the lessee in the working of the ferry; and may either retain the same permanently on payment of a fair price to the proprietor, or may retain them for such time as may be necessary, not exceeding three months, until they can make arrangements for such other boats and appliances as may be necessary, in which case the Commissioners shall pay a fair price to the owners for the use of the said boats and appliances;

provided that within a week of taking such possession the Commissioners shall be bound to give notice to the said lessee of their intention to retain the said boats and appliances permanently, or of the period during which they intend to retain them, as the case may be.

Toll must be prepaid.

145. Any collector or lessee of tolls, or his agent, may refuse to convey any person or goods across a municipal ferry until the proper toll has been paid, and may require any person who refuses to pay the toll to leave the boat and to remove his goods from it.

Penalty.

Any person who refuses to leave a municipal ferry-boat or to remove his goods therefrom when required to do so under this section, shall be liable to a fine not exceeding ten rupees.

Keeping of unauthorized ferry.

146. No person shall keep a ferry-boat for the purpose of plying for hire within a distance of two miles above or below any municipal ferry without the previous sanction

of the Commissioners, if he plies within the limits of the Municipality,

of the Magistrate of the district, if without such limits,

or of the Magistrate of the district and the Commissioners, if one of the two banks between which he plies is within, and the other bank is without, such limits.

This section shall not apply to any private ferry which may be in existence at the commencement of this Act.

Penalty.

147. Whoever keeps a ferry-boat contrary to the provisions of the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been required by a notice in writing to desist from such offence.

Of Tolls on Bridges and Roads.

Existing toll-bars.

148. The Lieutenant-Governor may, with the consent of the Commissioners, make over to the Commissioners any existing toll-bar within the limits of the Municipality, to be administered by the Municipality until the Lieutenant-Governor shall otherwise direct; every toll-bar while so administered shall be deemed to be a municipal toll-bar, and the profits derivable from it, or such part thereof as the Lieutenant-Governor shall direct, shall be carried to the credit of the Municipal Fund.

Commissioners may establish toll-bar.

149. The Commissioners at a meeting, with the sanction of the Lieutenant-Governor, may establish a toll-bar and levy tolls on any bridge or metalled road which they may have

constructed after the commencement of this Act, or at any place within the Municipality adjacent to such bridge or metalled road at which tolls may conveniently be levied on vehicles and animals passing over such bridge or road; and the profits derived therefrom shall be carried to the credit of the Municipal Fund;

provided that no such toll-bar shall be established, or tolls levied, otherwise than for the purpose of recovering the expenses incurred in constructing such bridge or road, and in maintaining such bridge or road in repair for the five years next after the construction thereof, together with interest on such expenses as hereinafter provided.

Commissioners to publish expenses, &c., of toll-bars

150. Whenever a toll-bar shall have been established, and tolls shall be levied as provided in the last preceding section, the Commissioners shall at the end of each year publish, by causing it to be posted up at their office, an abstract account showing—

(1) the amount of expenses incurred in the construction of such bridge or road, and in the maintenance of the same;

(2) the amount of interest which has accrued due thereon, at the annual rate of six per centum; and

(3) the amount which has been received from the profits of the said toll-bar since its establishment;

and as soon as such expenses and interest shall have been recovered as aforesaid, such toll-bar shall be removed, and toll shall no longer be levied on such bridge or road.

Rates of tolls to be fixed and published.

151. When it has been determined that tolls shall be levied on any such bridge or road, the Commissioners at a meeting shall make and publish an order, with the sanction of the Lieutenant-Governor, specifying the rates at which such tolls shall be levied.

Such rates may from time to time be varied with the like sanction.

Power of collector or lessee in case of refusal to pay toll

152. Any collector or lessee of tolls may refuse to allow any person to pass through any municipal toll-bar until the proper toll has been paid.

Penalty for refusing to pay or avoiding payment of toll.

153. Whoever, having driven any vehicle or animal (not exempted from toll) through a toll-gate, refuses to pay the toll, or with intent to evade payment of the toll fraudulently avoids passing through such toll-gate, shall be liable to a fine not exceeding fifty rupees.

154. If the toll due on any vehicle or animal is not paid on demand, the person authorized to collect the same may seize such vehicle or animal, or any part of its burden, of sufficient value to defray the toll, and shall give immediate notice of such seizure to the Commissioners.

In case of non-payment of toll, vehicle, &c., may be seized and sold.

After such seizure the Commissioners shall forthwith issue a notice in writing that after the expiration of ten days they will sell the property seized by auction at such place as they may state in the notice; and if any toll, together with the cost arising from sush seizure and custody, remain undischarged for ten days after the issue of such notice, the Commissioners may sell the property seized for discharge of the toll, and of all expenses occasioned by such non-payment, seizure, custody, and sale.

Any balance that may remain out of the proceeds of the sale shall be returned, on demand, if made within twelve months, to the owner of the property, and if unclaimed after such period shall be credited to the Municipal Fund;

provided that if, at any time before the sale has been concluded, the person whose property has been seized shall tender to the Commissioners, or the officer appointed by them to sell the property, the amount of all the expenses incurred and of the toll payable by him, the Commissioners shall forthwith release the property seized.

Notwithstanding anything contained in this section, the surplus of the sale proceeds of any property seized under this section may be devoted to the payment of any fine imposed under the last preceding section; and any property which has been seized under this section may be sold for the realization of any such fine.

Of general provisions relating to Tolls on Ferries and Roads.

155. The Commissioners may grant a lease of any municipal ferry or toll-bar for any period not exceeding three years.

Lease of ferry or toll-bar.

156. A table of tolls legibly written in the vernacular of the district shall be hung up

Table of tolls to be hung up.

in some conspicuous position at each end of every municipal ferry,

and in some conspicuous position near every municipal toll-bar so as to be easily read by all persons required to pay the toll.

157. Whoever, being a toll-collector or lessee of a municipal ferry or toll-bar, neglects to hang up a table of tolls as required by the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for

Penalty.

each day during which the offence is continued after he has been required by a notice in writing to desist from such offence.

Composition in respect of toll.

158. The Commissioners, or the lessee of any municipal ferry or toll-bar, may compound with any person for a certain sum to be paid by such person for himself, or for any vehicles or animals kept by him, in lieu of the ordinary toll payable.

Exemptions.

159. No tolls shall be paid for the passage of troops on the march, or of animals or vehicles employed in the transport of such troops.

or of military or Government stores, or the persons in charge of them,

or of military or police officers, or of any public or municipal officer on duty, or of any person in their custody, or of any property belonging to them or in their custody, or of any vehicle or animal employed by such persons for the transport of such property,

or of conservancy carts or other vehicles, or animals belonging to the Commissioners, or of the persons in charge of them,

or of any animals whether belonging to Government or otherwise, which are attached to a regiment or a Military Department, and which pass through a toll-bar, provided that tolls shall be leviable for conveying such animals over a ferry;

and the Commissioners or their lessees shall not be bound to allow any person or thing not specified above to cross a ferry or to pass a toll-gate without payment of the prescribed toll;

but the Commissioners at a meeting may exempt any other class of persons or things from payment of the said toll; and in granting a lease of any ferry or toll-bar may stipulate that any municipal servants and property and any other persons or things shall be allowed to pass without payment of the toll.

Police officers to assist.

160. In all cases of resistance to the person authorized to collect tolls, police officers shall assist when required, and for that purpose shall have the same powers as they have in the exercise of their ordinary police duties.

Penalty for taking unauthorized tolls.

161. Whoever, being authorized under this Act to collect tolls, demands or takes any higher tolls than the tolls authorized under this Act, shall be liable to a fine not exceeding fifty rupees, and in default of payment to one month's imprisonment.

Of Tolls on Navigable Channels.

Commissioners may be appointed to collect tolls in a navigable channel.

162. If the Lieutenant-Governor has declared that the provisions of the Canals' Act, 1864, or any other similar law for the time being in force, are applicable to any navigable channel which passes through the limits of a Municipality, he may, with the consent of the Commissioners, appoint the Commissioners to collect tolls as provided in section 8 of the said Act, until the Lieutenant-Governor shall otherwise direct, and the profits derivable therefrom, or such part thereof as the Lieutenant-Governor may direct, shall be carried to the credit of the Municipal Fund.

In such case the Commissioners shall exercise all the powers vested by such Act in the Collector.

Lieutenant-Governor may order Commissioners to cease levying tolls.

163. The Lieutenant-Governor may at any time order that the Commissioners, or any person authorized by them, shall cease to levy any tolls under the last preceding section, and may at any time withdraw such order; provided that reasonable compensation shall be paid by the Commissioners to any farmer or other person who has entered into a legal contract with the Commissioners for the collection of such tolls, and whose profits under such contract are diminished by an order of the Lieutenant-Governor passed under this section.

PART V.

Of the Municipal Police.

Police in Municipalities to be appointed under Act V of 1861.

164. All police officers appointed or employed in any Municipality shall be appointed under the provisions of Act V of 1861, (*for the Regulation of Police*) or of any similar Act for the time being in force, for the regulation of the police in the police district within which the Municipality may be situated, and shall be deemed to be a portion of the police establishments under the Government of Bengal, and shall be subject to the provisions of any such Act, except as hereinafter provided.

Police paid under Act not to be employed beyond Municipality.

165. Except as provided in the next succeeding section, no police officer who forms part of the strength of the municipal police for which the estimate mentioned in section one hundred and sixty-seven may have been calculated, shall be liable to serve beyond the limits of the Municipality save in execution of duties imposed on him by his employment as a police officer of such Municipality.

Conditions under which Police may be deputed beyond municipal limits.

166. Whenever it shall appear to the Magistrate or to the District Superintendent of Police that it is necessary for the peace and good management of the district in which any Municipality is situated or of any other district, that one or more members of the municipal police force shall be specially deputed to any duty beyond the limits of such Municipality, not being a duty imposed on him or them by their employment as police officers of such Municipality, the Magistrate or District Superintendent may depute such member or members to such duty, which they shall be bound to perform;

provided that during such deputation, the District Superintendent of Police shall make due provision for the efficient performance of police duties within the Municipality.

In case of and during such deputation, the salaries of the members of the police so deputed, and all other expenses incurred by their deputation, shall be paid by the local Government and not by the Commissioners.

Preparation of police estimate.

167. From the commencement of this Act, every District Superintendent of Police shall prepare, in such form as may be directed by the Lieutenant-Governor, an estimate of the income and expense of the Police force in every Municipality within his district for the year next following the preparation of such estimate, and shall present the same to the Commissioners of such Municipality at least four months before the beginning of the year to which the estimate relates.

Contents of estimate.

168. The Police estimate shall show the number, constitution, and salaries of the Police force to be maintained in any such Municipality.

Estimate to be translated and considered by Commissioners.

169. After the receipt of the Police estimate, the Commissioners shall cause the same to be translated into the language usually spoken in such Municipality, and such translation shall be made available for inspection by any tax-payer. The estimate shall also be laid before the Commissioners at their next meeting for consideration.

Estimate to be transmitted to Magistrate and Commissioner of division.

170. After such meeting, the Commissioners shall transmit the Police estimate, together with any remarks or objections which the Commissioners at the meeting may record, to the Magistrate of the district for transmission to the Commissioner of the division, and by him to the Lieutenant-Governor.

Lieutenant-Governor to decide on estimate.

171. The Lieutenant-Governor shall consider the Police estimate so transmitted to him, and may approve, reject, or modify, and approve as modified, the same or any part thereof.

The Lieutenant-Governor shall also determine whether the whole or some, and what part of the expense of the police provided for in such estimate shall be borne by the Municipality to which the same refers;

provided that the expense so to be borne by any Municipality in which the tax on persons is in force shall not exceed, for a first class Municipality, the average rate of one rupee and eight annas in the year, and for a second class Municipality the average rate of one rupee and four annas in the year, for each holding in respect of the occupation of which the tax is imposed:

and provided that the expense so to be borne by any Municipality in which the tax on the value of holdings is in force shall not exceed five per centum on the total annual value of such holdings.

Amount of estimate to be deemed expense of Police Force.

172. So much of the Police estimate as the Lieutenant-Governor may determine to be borne by any Municipality shall, for the purposes of this Act, be the expense of the Police to be borne by such Municipality for the year for which the Police estimate shall have been presented.

The amount which may be finally settled shall be entered in the estimate of the Municipality as prepared under section sixty-four.

Police to be paid monthly.

173. At the close of each month, the District Superintendent of Police shall cause to be prepared and laid before the Commissioners a bill showing the actual expenses incurred during the month in the payment of the Police force, and the contingent expenses thereof; and, so far as the same is in accordance with the Police estimate, the Commissioners shall cause the amount, or the share thereof which is payable by them under the last preceding section, to be paid from the Municipal Fund.

Magistrate may be vested with functions of District Superintendent.

174. The Lieutenant-Governor may, at any time, direct that the Magistrate in charge of any division of a district shall be deemed to be the District Superintendent of Police in respect of the Police of any Municipality within his division, or may direct that such Magistrate shall exercise any of the functions of District Superintendent of Police in regard to the Police of any such Municipality.

Saving of authority of Commissioner of Calcutta Police in Suburbs.

175. Nothing in this Act shall deprive the Commissioner of Police for the town of Calcutta of any power or authority over the Police in the Suburbs of Calcutta vested in him by Bengal Act II of 1866 (*for the better Regulation of the Police within the Suburbs of the town of Calcutta.*)

And the Inspector-General of Police is hereby precluded from exercising over the Police within the said Suburbs any of the powers and authorities vested in him by the said Act V of 1861.

Deputy Commissioner of Police for Suburbs of Calcutta deemed to be District Superintendent under this Act for Suburbs.

176. The Deputy Commissioner of Police for the Suburbs of Calcutta shall, for the purposes of this Act, be deemed to be the District Superintendent of the said Suburbs.

PART VI.

Of Municipal Regulations which shall be generally in force in all Municipalities.

General.

Operation of this Part.

177. The provisions of this Part shall be in force in every Municipality, unless and until the Lieutenant-Governor shall otherwise direct.

Lieutenant-Governor may order provision of this Part to be not in force in a Municipality.

178. The Lieutenant-Governor may, at any time, make an order directing that all or any of the said provisions shall not be in force in any Municipality, or in any part thereof; and the provisions mentioned in such order shall cease to be in force in such Municipality or part thereof from the date specified in such order.

The Lieutenant-Governor may at any time cancel or modify any order made under this section.

Procedure when owners or occupiers require to execute works by Commissioners.

179. Whenever it is provided in this Part or in Part VII that the Commissioners, or the Commissioners at a meeting, may require the owners or the occupiers, or may require the owners and the occupiers, of any land to execute any work or to do anything within a specified time, such requisition shall be made, as far as possible, by a notice to be served as provided in sections three hundred and sixty-seven and three hundred and sixty-eight on every owner or occupier who is required to execute such work or to do such thing; but if there be any doubt as to the persons who are owners or occupiers, such requisition may be made by a notification to be posted up on or near the spot at which the work is required to be executed or the thing done, requiring the owners or the occupiers, or requiring the owners and occupiers to execute such work or to do such thing within a specified time; and in such notification it shall not be necessary to name the owners or occupiers.

Every requisition as aforesaid shall give notice to the persons to whom it is addressed that, if they fail to comply with the requisition, or to prefer

an objection against such requisition as provided in the next succeeding section, the Commissioners will enter upon the land and cause the required work to be executed or the required thing to be done, and that in such case the expenses incurred thereby will be recoverd from the persons who are required in such requisition to execute such work or do such thing.

Person required to execute any work may prefer objection to the Commissioners.

180. Any person who is required by a requisition as aforesaid to execute any work or to do any thing, may, instead of executing the work or doing the thing required, prefer an objection in writing to the Commissioners against such requisition within five days of the service of the notice or posting up of the notification containing the requisition; or if the time within which he is required to comply with the requisition be less than five days, then within such less time.

Except as provided in the next succeeding section, such objection shall be heard and disposed of by the Chairman or Vice-Chairman.

Procedure if person objecting alleges that work will cost more than Rs. 300.

181. If the objection shall allege that the cost of executing the work or of doing the thing required will exceed three hundred rupees, such objection shall be heard and disposed of by the Commissioners at a meeting, unless the Chairman or Vice-Chairman shall certify that such cost will not exceed three hundred rupees, in which case the objection shall be heard and disposed of by the Chairman or Vice-Chairman;

provided that in any case in which the Chairman or Vice-Chairman shall have certified his opinion as aforesaid, and the objection shall in consequence thereof have been heard and disposed of by the Chairman or Vice-Chairman, the person making the objection may, if the requisition made upon him is not withdrawn on the hearing of his objection, pay in the said sum of three hundred rupees to the Commissioners as the cost of executing the work or the thing required; whereupon such person shall be relieved of all further liability and obligation in respect of executing the work or doing the thing required, and in respect of paying the expenses thereof; and the Commissioners themselves shall execute such work or do such thing, and shall exercise all powers necessary therefor.

Chairman, &c., may make order after hearing objection.

182. The Chairman or Vice-Chairman, or the Commissioners at a meeting, as the case may be, shall, after hearing the objection and making any inquiry which they may deem necessary, record an order withdrawing, modifying, or making absolute the requisition against which the objection is preferred, and if such order does not withdraw the requisition, it shall specify the time within which the requisition shall be carried out, which shall not be less than

the shortest time which might have been mentioned under this Act in the original requisition.

Order to be explained orally.

183. If the person making such objection be present at the office of the Commissioners, the said order shall be explained to him orally; and if such order cannot be so explained, notice of such order shall be served as provided in section three hundred and sixty-seven on the person making the objection; and such explanation of or service of the notice of the said order shall be deemed a requisition duly made under this Act to execute the work or do the thing required.

Power of Commissioners on failure of person to execute work.

184. If the person or persons required to execute the work or to do the thing fail, within the time specified in any requisition as aforesaid, to begin to execute such work or to do such thing, and thereafter diligently to continue the same to the satisfaction of the Commissioners until it is completed, the Commissioners or any person authorized by them in that behalf may, after giving forty-eight hours' notice of their intention by a notification to be posted up on or near the spot, enter upon the land and perform all necessary acts for the execution of the work or doing of the thing required; and the expenses thereby incurred shall be paid by the owners or by the occupiers, if such requisition was addressed to the owners or to the occupiers, respectively, and by the owners and the occupiers, if such requisition was addressed to the owners and the occupiers.

Commissioners may apportion expenses among owners.

185. Whenever any expenses incurred by the Commissioners are to be paid by the owners of any land as provided in the last preceding section, the Commissioners may, if there be more than one owner, apportion the said expenses among such owners in such manner as to the Commissioners may seem fit.

And whenever any such expenses are to be paid by the occupiers of any land, as provided in the last preceding section, the Commissioners may, if there be more than one occupier, apportion the said expenses among such occupiers in such manner as to the Commissioners may seem fit.

Apportionment among owners and occupiers.

186. Whenever any expenses incurred by the Commissioners are to be paid by the owners and occupiers of any land, as provided in section one hundred and eighty-four, the Commissioners may apportion the said expenses among the said owners and occupiers in such manner as to the Commissioners may seem fit.

Recovery of expenses incurred or fee chargeable.

187. Any expenses incurred, or fee chargeable, by the Commissioners under this Part or Part VII, may be recovered from the person liable to pay the same as an arrear of tax under sections one hundred and eleven to one hundred and twenty (both inclusive).

The demand for such expenses or fee shall be made by notice at any time within three months from the date on which the amount thereof shall have been ascertained.

Occupier may recover cost of works executed at his expense from owner.

188. Whenever any works or any alterations and improvements of which the Commissioners are authorized by this Part or Part VII to require the execution, are executed by the occupier on the requisition of the Commissioners, or are executed by the Commissioners, and the cost thereof is recovered from the occupier, the cost thereof may, if the Commissioners shall certify that such cost ought to be borne by the owner, be deducted by such occupier from the next and following payments of his rent due or becoming due to such owner, or may be recovered by him in any Court of competent jurisdiction.

Liability to pay expenses or fees may be contested in civil court.

189. Any owner or occupier of land may contest his liability to pay any expenses or fees under this Part or Part VII, or may contest the amount which he has been called upon to pay, in a civil Court of competent jurisdiction; provided that the fact of such action having been instituted shall be no bar to the recovery of the said amount in the manner provided by section one hundred and eighty-seven.

Damages and compensation how to be determined.

190. Where any damages or compensation are by this Chapter directed to be paid by the Commissioners, the amount and, if necessary, the apportionment of the same, in case of dispute, shall be ascertained and determined by a civil Court of competent jurisdiction.

Method of proceeding before the Court.

191. In any such case which is to be determined by such Court, such Court may, on the application of either party, summon the other party to appear at a time and place to be named in such summons.

Upon the appearance of the parties, or, in the absence of any of them, upon proof of due service of the summons, such Court may hear and determine such question, and, for that purpose, may examine such parties or any of them, and their witnesses, on oath or affirmation, and the costs of every such inquiry shall be in the discretion of such Court, which shall determine the amount thereof.

Recovery of damages by distress.

192. If the amount of damages or compensation ascertained in the manner above described be not paid by the party liable to pay the same within seven days after demand, such amount may be recovered under a warrant of such Court by distress and sale of the moveable property of such party; and the surplus arising from the sale thereof, after satisfying such amount and the costs of the distress and

sale, shall be returned on demand to the party whose property shall have been distrained.

Of Offensive Matter, Rubbish, Privies, and Drains.

Establishments for removal of offensive matter and rubbish.

193. The Commissioners shall provide all establishments, cattle, carts, and implements required for the removal of offensive matter and rubbish.

Hours and mode of removal of offensive matter and rubbish.

194. The Commissioners at a meeting may from time to time, by an order published as prescribed in section three hundred and sixty-five, appoint the hours within which it shall be lawful to remove offensive matter and the manner in which the same shall be removed, and may provide places convenient for the deposit thereof, and may require the occupiers of houses to cause the same to be deposited daily, or at other stated intervals, in such places, and may remove the same at the expense of the occupier from any house if the occupier thereof fails to do so in accordance with this Act.

Mehters must give one month's notice if they leave the service of the Commissioners.

195. Whenever such order shall have been published, no mehter, nightman, or other servant of the Commissioners employed to remove offensive matter, shall withdraw from his duties without the permission of the Commissioners, unless he has given notice in writing not less than one month previously of his intention so to withdraw.

Any mehter, nightman, or other such person who, after the said publication, withdraws from his duties without giving such notice as aforesaid, shall be liable to rigorous imprisonment for a term not exceeding one month, and shall forfeit all salary which may be due to him.

Commissioners may appoint hours for placing rubbish on public road.

196. The Commissioners at a meeting may from time to time, by an order published as prescribed in section three hundred and sixty-five, appoint the hours within which only every occupier of any house or land may place rubbish on the public road adjacent to his house or land in order that such rubbish may be removed by the Commissioners, and the Commissioners may charge such fees as they may think fit in respect of the removal of such rubbish with the consent of the occupier of any house or land, from such house or land, or in respect of the removal from such public road of any rubbish which has accumulated in the exercise of a trade or business.

Penalty.

197. Whenever any order as provided in the last preceding section shall have been published in a Municipality, every occupier of any house or land who shall place or who shall allow his servants to place rubbish on a public road at other than the appointed times, shall be liable to a fine not exceeding twenty rupees.

Penalty on occupier of a house not removing filth.

198. Whoever, being the occupier of a house in or near any public road, keeps or allows to be kept for more than twenty-four hours otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, or filth, or any noxious or offensive matter, in or upon such house, or in any out-house, yard, or ground attached to and occupied with such house, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse the same, shall be liable to a fine not exceeding fifty rupees.

Drains, privies, &c., under control of Commissioners.

199. All drains, privies, and cess-pools shall be under the survey and control of the Commissioners.

Inspection of drains, privies, and cess-pools.

200. The Commissioners or any officer authorized by them in that behalf, may inspect all privies, drains, and cess-pools at any time between sunrise and sunset, after six hours' notice in writing to the occupier of any premises in which such privies, drains, or cess-pools are situated, and may, if necessary, cause the ground to be opened where they or he may think fit for the purpose of preventing or removing any nuisance arising from such privies, drains, or cess-pools; and the expenses thereby incurred shall be paid by the owner or occupier of such premises.

Common privies.

201. The Commissioners may provide and maintain, in sufficient numbers and in proper situations, common privies and urinals for the separate use of each sex, and shall cause the same to be kept in proper order and to be properly cleansed.

Licensing of public necessaries.

202. The Commissioners may license such necessaries for public accommodation as they from time to time may think proper; and whoever shall keep any public necessary without such license, or having a license for a public necessary shall suffer the same to be in a filthy or noxious state or shall neglect to employ proper means for cleansing the same, shall be liable to a fine not exceeding fifty rupees, and such license may be withdrawn.

Penalty for not keeping drain, &c., in proper state.

203. Whoever, being the owner or occupier of any private drain, privy, or cess-pool, shall neglect or refuse, after warning from the Commissioners, to keep the same in a proper state, shall be liable to a fine not exceeding fifty rupees.

Power to require owners to clear noxious vegetation and to improve bad drainage.

204. Whenever any land being private property, or within any private enclosure, appears to the Commissioners, by reason of thick or noxious vegetation or jungle, to afford facilities for the commission of a nuisance, or by want of drainage to be in a state injurious to health or offensive to the neighbourhood, the Commissioners may require the owners or

occupiers, or the owners and occupiers of such land, within fifteen days, to clear and remove such vegetation or drain such land;

provided that if for the purpose of effecting any drainage under this section it shall be necessary to acquire any land not being the property of the person who is required to drain his land, or to pay compensation to any other person, the Commissioners shall provide such land and pay such compensation.

Penalty.

205. Whoever, being an owner or occupier of land, fails to comply with the requisition mentioned in the last preceding section, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

All rubbish collected to be the property of Municipal Commissioners.

206. All rubbish and offensive matter collected by the Commissioners from roads, privies, sewers, cess-pools, and other places, shall be the property of the Commissioners, who shall have power to sell or otherwise dispose of the same; and the money arising from the sale thereof shall be carried to the credit of the Municipal Fund.

Sewers, drains, &c., under control of the Commissioners.

207. All existing public sewers, drains, and other conservancy works, shall be under the direction and control of the Commissioners, who shall have power to construct any further works of that nature which they may consider necessary.

Of Bathing and Washing Places and Tanks.

All public streams, &c., to be under direction and control of the Commissioners.

208. All streams, channels, water-courses, tanks, reservoirs, springs, and wells, not being private property, shall, for the purposes of this Act, be under the direction and control of the Commissioners.

Bathing places, &c.

209. The Commissioners may, by order published at such places as they may think fit, set apart convenient tanks, or parts of rivers, streams, or channels not being private property, for the supply of water for drinking and for culinary purposes, and may prohibit therein all bathing, washing of clothes and animals, or other acts calculated to pollute the water set apart for the purposes aforesaid;

and may similarly set apart a sufficient number of the same for the purposes of bathing;

and a sufficient number for washing animals or clothes, or for any other purpose connected with the health, cleanliness, or comfort of the inhabitants.

210. Whoever disobeys an order passed by the Commissioners under the last preceding section, shall be liable to a fine not exceeding fifty rupees.

Penalty.

211. The Commissioners at a meeting may require the owners or occupiers, or the owners and occupiers of any land, within eight days, to cleanse any private tank or pool therein, and to drain off and remove any waste or stagnant water which may appear to be injurious to health or offensive to the neighbourhood;

Power to require unwholesome tanks on private premises to be cleansed or drained.

provided that if, for the purpose of effecting any drainage under this section, it shall be necessary to acquire any land not being the property of the person who is required to drain his land, or to pay compensation to any other person, the Commissioners shall provide such land and pay such compensation.

212. Whoever, being an owner of land, fails to comply with a requisition under the last preceding section, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

Of Obstructions and Encroachments on Roads.

213. The Commissioners may close temporarily any road or part of a road for the purpose of repairing such road, or for the purpose of constructing any sewer, drain, culvert, or bridge, or for any other public purpose.

Power to close a road or part of a road for repairs or other public purpose.

Whenever, owing to such repairs or constructions, or from any other cause, any road or part of a road shall be in a state which is dangerous to passengers, the Commissioners shall cause sufficient barriers or fences to be erected for the security of life and property, and shall cause such barriers or fences to be sufficiently lighted from sunset to sunrise.

214. Whoever, without the permission of the Commissioners, by making any excavation or erecting any wall, fence, rail, post, or other obstruction, encroaches upon any drain, sewer, or aqueduct, shall be liable to a fine not exceeding fifty rupees.

Penalty for erecting obstruction on road, drain, &c.

215. The Commissioners may issue a notice requiring any person to remove any wall which he may have built, or any fence, rail, post, or other obstruction or encroachment, which he may have erected in or on any road or open

Removal of future obstructions or encroachments in road.

drain, sewer, or aqueduct, after the date on which the District Municipal Improvement Act, 1864, or the District Towns' Act, 1868, as the case may be, took effect in the Municipality; or in case neither of the said Acts was in force in the Municipality before the commencement of this Act, then after the date on which this Act may have been extended thereto; and if such person shall fail to comply with such requisition within eight days of the receipt of the same, the Magistrate may, on the application of the Commissioners, order that such obstruction or encroachment be removed; and thereupon the Commissioners may remove any such obstruction or encroachment; and the expenses thereby incurred shall be paid by the person who erected the same.

No person shall be entitled to compensation in respect of the removal of any wall, fence, rail post, or other obstruction under this section.

For the dates on which the District Municipal Act and the District Towns' Act took effect in different Municipalities, see note to section 3 of this Act.

Penalty.

216. Whoever fails to comply with a requisition under the last preceding section, within the period specified in such requisition, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day after the expiration of eight days from the issue of such requisition until the wall, fence, rail, post, or other obstruction or encroachment is removed.

Procedure when person who erected obstruction cannot be found.

217. If the person who built or erected the said wall, fence, rail, post, or other obstruction or encroachment is not known or cannot be found, the Commissioners may cause a notice to be posted up in the neighbourhood of the said wall, fence, rail, post, or other obstruction or encroachment, requiring any person interested in the same to remove it, and it shall not be necessary to name any person in such requisition; and if the said wall, fence, rail, post, or other obstruction or encroachment be not removed in compliance with the requisition contained in such notice, within eight days of the posting up of the same, the Magistrate may, on the application of the Commissioners, order that such obstruction or encroachment be removed; and thereupon the Commissioners may remove any such obstruction or encroachment, and may recover the cost of such removal by sale of the materials so removed.

Any surplus of such sale proceeds shall, on demand, be restored to the owners of such materials, and, if unclaimed, shall, after the lapse of one year, be carried to the credit of the Municipal Fund.

Projections from houses erected in future to be removed.

218. The Commissioners may give notice in writing to the owner or occupier of any house requiring him to remove or alter any projection, encroachment, or obstruction erected or placed against, or in front of such house which may have been so erected or placed after the date on which the District Municipal

Improvement Act, 1864, or the District Towns' Act, 1868, as the case may be, took effect in the Municipality, or in case neither of the said Acts was in force in the Municipality before the commencement of this Act, then after the date on which this Act may have been extended thereto, if the same overhangs the road, or juts into, or in any way projects or encroaches upon, or is an obstruction to the safe and convenient passage along any road;

or obstructs or projects or encroaches into or upon any aqueduct, drain, or sewer in such road;

and if such owner or occupier shall fail to comply with such requisition within eight days of the receipt of the same, the Magistrate may, on the application of the Commissioners, order that such projection, encroachment, or obstruction be removed or altered, and thereupon the Commissioners may remove or alter such projection, encroachment, or obstruction, and the expenses thereby incurred shall be paid by the owner or occupier so making default.

No person shall be entitled to compensation in respect of the removal of any projection, obstruction, or encroachment under this section.

See note to section 215.

Penalties.

219. Whoever fails to comply with a requisition under the last preceding section, within the period specified in such requisition, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day after the expiration of eight days from the issue of such requisition until the projection, encroachment, or obstruction is removed.

Effect of order made under sections 215, 217, 218.

220. Every order made by the Magistrate under section two hundred and fifteen, section two hundred and seventeen, or section two hundred and eighteen, shall be deemed to be an order made by him in the discharge of his judicial duty, and the Commissioners shall be deemed to be persons bound to execute such orders of a Magistrate within the meaning of Act XVIII of 1850 (*for the protection of Judicial Officers*).

Houses projecting beyond line of road when taken down to be set back.

221. Whenever any house, part of which projects beyond the regular line of a road, or beyond the front of the house on either side thereof, shall be burnt down or otherwise destroyed, or shall be taken down in order to be rebuilt or repaired, the Commissioners may require the same to be set back to, or beyond the line of the road, or the line of the adjoining house, and shall make reasonable compensation to the owner of such house for any damage he may thereby sustain.

Power to trim hedges and trees bordering roads.

222. The Commissioners may require the owner or occupier of any land within three days to trim or prune the hedges bordering on any road, and to cut and trim any trees overhanging any road and obstructing the same or causing damage thereto.

Penalty.

223. Whoever fails to comply with a requisition under either of the two last preceding sections, shall be liable to a fine not exceeding fifty rupees, and to a further fine not exceeding ten rupees, for each day during which he fails to obey such order after he has been required to obey the same.

Of General Conservancy and Improvement.

Wells, tanks, &c., to be secured.

224. If any well, tank, or other excavation, whether on public or private ground, be, for want of sufficient repairs or protection, dangerous to passengers, the Commissioners shall forthwith, if it appears to them to be necessary, cause a temporary hoard or fence to be put up for the protection of passengers, and may require the owners or occupiers, or the owners and occupiers of the land on which such tank, well, or other excavation is situated, forthwith properly to secure or protect such well, tank, or other excavation.

Penalty.

225. Whoever fails to comply with a requisition under the last preceding section, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Houses, &c., in a ruinous or dangerous state.

226. If any house, wall, structure, or anything affixed thereto, be deemed by the Commissioners to be in a ruinous state, or in any way dangerous, they shall forthwith, if it appears to them to be necessary, cause a proper hoard or fence to be put up for the protection of passengers, and may require the owners or occupiers, or the owners and occupiers of the land to which such house, wall, or structure is affixed, forthwith to cause such repairs to be made to such house, wall, or structure as they may consider necessary for the public safety, or to remove such house, wall, structure, or thing affixed thereto.

Penalty.

227. Whoever fails to comply with a requisition under the last preceding section, shall be liable to a fine not exceeding one hundred rupees, and to a further fine, not exceeding twenty rupees, for each day after the expiration of eight days from the issue of the requisition until the said house, wall, or structure is secured or taken down.

228. If the Commissioners shall have caused any repairs to be made to any house or other structure, and if such house or other structure be unoccupied, the Commissioners may enter upon possession of the same, and may retain possession thereof until the sum expended by them on the repairs be paid to them.

Power to enter upon possession of houses so repaired.

229. The materials of anything which shall have been pulled down or removed under the provisions of section two hundred and twenty-six may be sold by the Commissioners, and the proceeds of such sale may be applied, so far as the same will extend, to the payment of the expenses incurred.

Sale of materials of houses, &c., pulled down.

Any surplus of such sale proceeds shall on demand be restored to the owner of such materials, and, if unclaimed, shall, after the lapse of three years, be carried to the credit of the Municipal Fund.

230. The Commissioners, or the Magistrate of the district or of the division, may by published order appoint from time to time certain periods within which any dogs without collars, or other marks distinguishing them as private property, found straying in the roads or beyond the enclosures of the houses of the owners of such dogs, may be destroyed; and such dogs may be destroyed in accordance with such order.

Stray dogs to be killed at certain appointed periods.

231. The Commissioners at a meeting may offer rewards for the destruction of wild animals within the limits of a Municipality.

Commissioners may offer rewards for destruction of wild animals.

232. The Commissioners at a meeting may cause a name to be given to any road and to be affixed in such place as they may think fit, and may also cause a number to be affixed to every house; and in like manner may from time to time cause such names and numbers to be altered.

Names of roads and numbers of houses.

Whoever destroys, pulls down, or defaces any such name, or puts up any name different from that put by order of the Commissioners, shall be liable to a fine not exceeding twenty rupees.

Penalty.

PART VII.

Of certain Municipal Regulations which may be extended to any Municipality by express orders of the Lieutenant-Governor.

General.

233. No provision contained in this Part shall apply to any Municipality unless and until it has been expressly extended thereto by the Lieutenant-Governor in the manner provided by the next succeeding section.

Operation of this Part.

Lieutenant-Governor may order provisions of this Part to be in force.

234. The Lieutenant-Governor may, on the recommendation of the Commissioners at a meeting, order that all or any of the said provisions of this Part shall be in force in any Municipality; and may, on such recommendation, order that any place in a Municipality be excluded from the operation of the said provisions.

Publication of order.

Such order shall be published in the *Calcutta Gazette*, and the Commissioners shall, within fifteen days of such publication, cause a copy of the same, with a translation thereof into the vernacular, to be posted up at their office, with a notice of the date on which such order shall take effect, and shall cause the same to be published as prescribed in section three hundred and sixty-five;

and the said provisions shall come into force in the Municipality from the date so fixed;

provided that the date so fixed shall not be less than fifteen days after the publication under the said section, and shall not be more than three months after the publication of the order of the Lieutenant-Governor as aforesaid in the *Calcutta Gazette*.

The Lieutenant-Governor may at any time cancel or modify an order made under this section.

The provisions of this Part have been extended to the Municipalities enumerated in the following list. Where no sections are specified, the whole Part has been extended:—

Name of Municipality.	Reference to Notification in the *Calcutta Gazette*.	Name of Municipality.	Reference to Notification in the *Calcutta Gazette*.
Arrah	1876, p. 1371.	Boidyabatty ... *Sections* 278 *to* 284.	1878, p. 376.
Balasore	1876, p. 1293.	Bramunberiah ... *Sections* 235 *to* 253, 271 *to* 284.	1877, p. 661.
Bankoora ... ... *Sections* 235 *to* 256, 271 *to* 274, 278 *to* 288, 292 *to* 294.	1877, p. 946.	Burdwan	1876, p. 1398.
Beauleah	1876, p. 1108.	Burrisal ... ... *Sections* 235 *to* 255, 273, 274, 284, 285, 286.	1876, p. 1372.
Beernaghur ... ... *Sections* 253 *to* 256, 271 *to* 294.	1877, p. 746.	Buxar ... ... *Sections* 235 *to* 250, 261 *to* 263, 271 *to* 294.	1876, p. 1169.
Berhampore... ... *Sections* 235 *to* 250, 271 *to* 294.	1876, p. 1430.	Chinsurah ... ... *Except sections* 257 *to* 263, 271 *to* 277, *and* 289.	1877, p. 1688.
Bhagulpore ...	1876, p. 1032.	Chittagong ... ... *Except sections* 256 *to* 270.	1877, p. 595.
Bhuddessur ... *Sections* 278 *to* 284.	1878, p. 765.	Chaprah	1877, p. 1563.
Bishenpore in the Bankoora district *Sections* 235 *to* 256, 271 *to* 274, 278 *to* 288, 292 *to* 294.	1878, p 523.	Colgong	1877, p. 710.
Bograh ... ... *Sections* 235 *to* 255.	1876, p. 1492.		

Name of Municipality.	Reference to Notification in the *Calcutta Gazette.*	Name of Municipality.	Reference to Notification in the *Calcutta Gazette.*
Comillah ... ... *Except sections* 257 *to* 270.	1877, p. 478.	Mozufferpore ...	1876, p. 1465.
Cuttack ... ... *Sections* 235 *to* 255, 278 *to* 284.	1876, p. 1148; 1878, p. [840.	Mudhoobunnee *Sections* 251 *to* 263, 278 *to* 283. 285 *to* 288, 292 *to* 294.	1878, p. 73.
Dacca	1876, p. 1057.	Nattore	1877, p. 188.
Darjeeling	1876, p. 1398.	Noakhally ... ... *Except sections* 278 *to* 282.	1877, p. 1710.
Dooghur	1877, p. 555.		
Dhurbungah ...	1876, pp. 1169, 1292.		
Dinagepore	1877, p. 47.		
Doomraon ... ... *Sections* 235 *to* 255, 261 *to* 263, 271 *to* 294.	1876, p. 1372.	North Suburban Municipality. *Sections* 278 *to* 284.	1878, p. 765.
English Bazar ...	1877, p. 257.	Nyehatty ... *Sections* 278 *to* 284.	1877, p. 556.
Gya	1876, p 1548.	Ooterparah ... *Except sections* 250 *to* 277.	1876, p. 1147.
Hazareebagh ... *Sections* 235 *to* 255.	1877, p. 418.		
Hooghly ... ... *Except sections* 257 *to* 263, 271 *to* 277, *and* 289.	1877, p. 1688.	Patna	1876, p. 1465.
		Pubna	1878, p. 814.
		Purulia	1877, p. 1746.
		Rajpore ... ... *Sections* 278 *to* 284.	1878, p. 738.
Howrah	1876, p. 1146.	Ranaghat ... *Sections* 235 *to* 255, 257 *to* 258, 292 *to* 294.	1877, p 614.
Jessore ... ... *Sections* 235 *to* 255, 264 *to* 294.	1877, p. 1400.		
Joynapore ... ... *Sections* 237, 238, 239, 242, 243, 253, 254, 255.	1877, p. 770.	Rungpore ... *Sections* 235 *to* 284.	1877, pp. 614, 1546.
		Santipore ... ... *Sections* 253 *to* 256, 271 *to* 294.	1877, p. 211.
Kendrapara ... *Sections* 251, 252, 257 *to* 260, 278 *to* 284.	1877, p. 1178.	Sasseram	1878, p. 814
		Serampore ... ... *Sections* 235 *to* 239, 249, 250, 254, 255, 278, 279, 281 *to* 288	1877, p. 1563.
Kishnaghur ... *Except sections* 257 *to* 270.	1877, p. 119.		
Kotrung ... ... *Sections* 278 *to* 284.	1878, p. 765.	Sherepore in the Bogra district ... ... *Sections* 235 *to* 242 244, 245, 247 *to* 250, 253, 273 *to* 294.	1877, p. 119.
Lalbaugh ... ... *Sections* 256 *to* 263.	1878, p. 475.		
		Sooree	1878, p. 94.
Madaripore ...	1877, p. 333.	South Barrackpore Municipality. *Sections* 278 *to* 284.	1878, p. 737.
Maldah ... ... *Sections* 235 *to* 239, 246, 248, 251.	1877, p. 556.		
		South Suburban Municipality. *Sections* 278 *to* 284.	1878, p. 473.
Midnapore	1877, p 214.		
Monghyr	1876, p. 1169.	Suburbs of Calcutta ... *Except sections* 238, 239, 257 *to* 260.	1876, p. 1169.
Moorshedabad ... *Sections* 278 *to* 284.	1878, p. 523.		

Of Privies, Drains, and Excavations.

Commissioners may require owner or occupier to repair drain, &c.

235. The Commissioners may require the owners or occupiers, or the owners and occupiers of any land, within fifteen days, to repair and make efficient any drain, privy, or cess-pool, or to close any cess-pool which is situated on such land.

BENGAL SECRETARIAT

Penalty for throwing rubbish into sewers.

236. Whoever, without the permission of the Commissioners, throws or puts, or permits his servants to throw or put any offensive matter or the dead body of any animal on to any road, or who throws or puts, or permits his servants to throw or put any earth, rubbish, offensive matter or dead bodies of animals into any sewer or drain belonging to the Commissioners, or into any drain communicating therewith, shall be liable to a fine not exceeding twenty-five rupees for every such offence.

Penalty for allowing water of any sink, &c., or offensive matter to run or drain on any road.

237. Whoever causes or allows the water of any sink, sewer or cess-pool or any other offensive matter belonging to him or being on his land to run, drain, or be thrown or put upon any road, or causes or allows any offensive matter to run, drain, or be thrown into a surface drain near any road, shall be liable to a fine not exceeding twenty-five rupees for every such offence.

Privies must be properly enclosed.

238. Every person constructing a privy shall have such privy shut out by a sufficient roof, and wall or fence, from the view of persons passing by or residing in the neighbourhood; and the Commissioners may require any owner or occupier of land on which a privy stands, to cause the same to be shut out from view as aforesaid within fifteen days.

Penalties.

239. Any person constructing a privy and failing to have it shut out from view as aforesaid, shall be liable to a fine not exceeding twenty rupees; and any person failing to comply with a requisition under the last preceding section shall be liable to a fine not exceeding twenty-five rupees, and to a further fine, not exceeding five rupees, for every day during which the offence is continued after the expiration of the time specified in the said notice.

Unauthorized drains leading into public sewers may be demolished.

240. If any person, without the written consent of the Commissioners first obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners, the Commissioners may cause such branch drain to be demolished, altered, remade, or otherwise dealt with as they shall think fit;

and the expenses thereby incurred shall be paid by the person making or altering such branch drain.

Penalty for altering or making unauthorized drains leading into public sewers.

241. Whoever, without the written consent of the Commissioners previously obtained, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the Commissioners by this Act, shall be liable to a fine not exceeding fifty rupees.

Commissioners may require owner to drain land.

242. If any land, being within one hundred feet of a sewer, drain, or other outlet into which such land may, in the opinion of the Commissioners, be drained, is not drained to the satisfaction of the Commissioners, the Commissioners may require the owner within one month to drain the said land into such sewer, drain, or outlet.

Group or block of houses, &c., may be drained by a combined operation.

243. If it appear to the Commissioners that a group or block of houses may be drained or improved more economically or advantageously in combination than separately, and a sewer, drain, or other outlet already exists, within one hundred feet of any part of such group or block of houses, the Commissioners may cause such group or block of houses to be drained and improved by a combined operation;

and the expenses thereby incurred shall be recovered from the owners of such houses in such proportions as shall to the Commissioners seem fit.

Commissioners may alter any drain, &c., made contrary to their orders.

244. If any branch drain, privy, or cess-pool be constructed contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this Act, or if any person, without the consent of the Commissioners, constructs, rebuilds, or unstops any branch drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, the Commissioners may cause such amendment or alteration to be made in any such drain, privy, or cess-pool as they think fit, or may cause the same to be removed;

and the expenses thereby incurred shall be paid by the person by whom such drain, privy, or cess-pool was improperly constructed, rebuilt, or unstopped.

Penalty for persons making or altering drains contrary to the orders of the Commissioners.

245. Whoever constructs any such drain, privy, or cess-pool, contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this Act or without the consent of the Commissioners, constructs, rebuilds, or unstops any drain, privy, or cess-pool which has been ordered by them to be demolished or stopped up, or not to be made, shall be liable to a fine not exceeding fifty rupees.

No latrine to be constructed within fifty feet of a tank.

246. No person shall, without the written permission of the Commissioners, construct or keep any latrine, urinal, cess-pool, house-drain, or other receptacle for filth, sewage, house-drainage, or other offensive matter, within fifty feet of any public tank, or a tank which the inhabitants of any locality are entitled to use.

The Commissioners may require any owner and occupier upon whose land any latrine, urinal, cess-pool, house-drain, or other receptacle so situated exists or may hereafter be constructed, to remove the same within eight days.

Construction of privy.

247. No person shall, without the written permission of the Commissioners, construct a privy with a door or trap-door opening on to any road or drain. The Commissioners may require any owner or occupier, upon whose land any such privy exists, to remove the same within eight days.

Penalties.

248. Any person constructing a latrine, urinal, cess-pool, house-drain, or privy in contravention of the provisions of either of the two last preceding sections, shall be liable to a fine not exceeding twenty-five rupees; and any person failing to comply with any requisition under the said sections shall be liable to a fine not exceeding twenty-five rupees, and to a further fine, not exceeding five rupees, for each day during which the offence is continued after he has been required by a notice in writing to desist from the offence.

Power to prohibit excavations.

249. The Commissioners at a meeting may by a general order prohibit the making of excavations for the purpose of taking earth therefrom, or for the purpose of storing rubbish or filth therein, and the digging of cess-pools, tanks, or pits, without special permission previously obtained from them.

If any such excavation, cess-pool, tank, or pit, is made after the issue and publication of such order without such special permission, the Commissioners may require the owners and occupiers of the land on which such excavation, cess-pool, tank, or pit is made, within eight days to fill up such excavation.

Penalty.

250. Whoever shall dig or make, or cause or suffer to be dug or made therein, any such excavation, cess-pool, tank, or pit without the written permission of the Commissioners, shall be liable to a fine not exceeding twenty-five rupees for every such offence.

Of Obstructions and Encroachments on Roads.

Removal of existing projection from houses.

251. The Commissioners at a meeting may determine on the removal or alteration, as they shall think fit, of any projection, encroachment, or obstruction which may have been erected or placed against, or in front of, any house on any road within the limits of the Municipality, before the date on which the District Municipal Improvement Act, 1864, or the District Towns' Act, 1868, as the case may be, took effect in the Municipality, or in case neither of the said Acts was in force in the Municipality before the commencement of this Act, then before the date on which this Act may have been extended thereto.

For the dates on which the District Municipal Improvement Act and the District Towns' Act took effect in different Municipalities, see the note to section 3 of this Act.

Notice to owner or occupier.

Notice in writing shall be given to the owner or occupier of such house requiring him to remove or alter the said projection, encroachment, or obstruction, or to show cause before the Commissioners why he should not be required so to do; and if such owner or occupier shall fail to comply with such requisition within thirty days of the receipt of the same, or if after such owner or occupier shall have shown cause against being required to remove or alter the said projection, encroachment, or obstruction, the Commissioners shall make an absolute order directing such removal or alteration, and such owner or occupier shall fail to comply with such order within fifteen days of the date of the same, the Magistrate may, on the application of the Commissioners, order such projection, encroachment, or obstruction to be removed or altered; and thereupon the Commissioners may remove or alter such projection, encroachment or obstruction.

The Commissioners shall make reasonable compensation to every person who suffers damage by any removal or alteration under this section.

In determining the amount of compensation, the value of the land shall not be taken into consideration.

Effect of order made under the last preceding section.

252. Every order made by the Magistrate under the last preceding section shall be deemed to be an order made by him in the discharge of his judicial duty, and the Commissioners shall be deemed to be persons bound to execute such orders of a Magistrate within the meaning of Act XVIII of 1850 (*for the protection of judicial officers.*)

Leave to deposit materials on, or to excavate or close a road.

253. The Commissioners may grant permission to any person to deposit any moveable property on any road, or to make an excavation in any road, or to enclose the whole or any part of any road, and may charge such fees as they may fix for such permission, provided that such person undertakes to erect sufficient fences to protect the public from injury, danger, or annoyance, and to light such fences from sunset to sunrise sufficiently for such purpose.

Hoards to be set up during repairs.

254. Every person intending to build or take down any house, or to alter or repair the outward part of any house, shall, if any public road will be obstructed or rendered inconvenient by means of such work, before beginning the same, cause sufficient hoards or fences to be put up, in order to separate the house where such works are being carried on from the road, and shall keep such hoard or fence standing and in good condition, to the satisfaction of the Commissioners, during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night.

Provided that no person shall put up a hoard or fence without the written permission of the Commissioners, and shall not keep up the said hoard or fence for a time longer than allowed in the said written permission.

Penalty.

255. Every person who begins to build, or to take down or alter, or repair, any house contrary to the provisions of the last preceding section, or who, without license, erects or sets up any hoard, scaffolding, or fence whatsoever, or who, being licensed, fails to put up such fence or hoard, or to continue the same standing, or to maintain the same in good condition, or who does not, while such hoard or fence is standing, keep the same sufficiently lighted during the night, or who does not remove the same within eight days, when directed by the Commissioners, shall be liable to a fine not exceeding fifty rupees for every such offence, and a further fine not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

Of Building Regulations.

Roofs and external walls not to be made of inflammable materials.

256. The Commissioners at a meeting may direct that within certain limits, to be fixed by them, the external roofs and walls of huts or other buildings which are about to be erected, or the roofs or walls of which are about to be renewed or thoroughly repaired, shall not be made of grass, leaves, mats, or other inflammable materials.

Notice of new buildings to be given to the Commissioners.

257. Before beginning, within the limits of any Municipality, to build or re-build any house, the person intending to build or re-build such house shall give to the Commissioners notice thereof in writing, and shall accompany such notice with a plan, showing the levels and width at which the foundation and lowest floor of such house are proposed to be laid, by reference to some level ascertained under the direction of the Commissioners.

Commissioners to signify disapproval within fourteen days.

258. Within fourteen days after receiving such notice as is mentioned in the last preceding section, the Commissioners shall signify their approval of the proposed levels and width of foundation, or if they disapprove thereof, they shall fix other levels and width of foundation in lieu thereof within the same time.

Houses built without notice, or contrary to provisions of this Act, may be altered by the Commissioners.

259. If such building as is mentioned in section two hundred and fifty-seven be begun or made without sending such notice and plan as are mentioned in the said section or at any levels different from those fixed by the Commissioners within the said fourteen days, or in any other respect contrary to the provisions of this Act, the Commissioners

may require the owner or occupier to cause such building to be altered or demolished, as the case may require.

If Commissioners fail to signify approval, &c., within fourteen days, parties may proceed without.

260. If the Commissioners fail to signify in writing their approval or disapproval of the levels and width of foundation shown on such plan as is mentioned in the last preceding section, and to fix other levels and width of foundation within fourteen days after receiving such notice and plan as aforesaid, the person giving such notice may, notwithstanding anything hereinbefore contained, proceed to build or re-build the house therein referred to, according to the levels and width of foundation shown on such plan;

provided that such building or re-building be otherwise in accordance with this Act.

The word "house" in this and the three last preceding sections does not include a hut.

Erection of new huts to be under the control of the Commissioners.

261. It shall not be lawful for any person to erect a hut, or any range or block of huts or sheds, or to add any hut or shed to any range or block already existing, without previous notice to the Commissioners, and the Commissioners may require such huts or sheds to be built so that they may stand in regular lines, with a free passage or way in front of and between every two lines, of such width as they may think proper for ventilation and to facilitate scavengering, and with such number of privies and with such means of drainage as to them may seem necessary, and at such a level as will admit of such drainage, and with a plinth at least two feet above the level of the nearest street.

Power to direct removal of huts built without notice.

262. If any such huts or sheds be built without giving such notice to the Commissioners or otherwise than as required by the Commissioners, the Commissioners may require the owners of the land on which such huts and sheds are built, and the occupiers of such huts and sheds, to take down and remove the same within one month, or to effect such alterations as they may deem necessary.

Penalty.

263. Whoever erects a hut, or any range or block of huts or shed, or adds to any hut or shed, or to any range or block already existing, contrary to the provisions of section two hundred and sixty-one, and whoever fails to remove such hut, block of huts or shed, when required by the Commissioners to do so, shall be liable to a fine not exceeding twenty rupees for every such offence, and to a further fine, not exceeding five rupees, for each day during which the offence is continued after he has been convicted of such offence.

Of Sanitary Measures with regard to Blocks of Huts.

Power of Commissioners as to inspection of huts.

264. Whenever the Commissioners at a meeting are satisfied, from inspection, or by report of competent persons, that any existing block of huts within the Municipality is, by reason of the manner in which the huts are constructed or crowded together, or of the want of drainage and the impracticability of scavengering, attended with risk of disease to the inhabitants or the neighbourhood, they may cause the locality to be inspected by two medical officers, who shall make a report in writing on the sanitary condition of the said block of huts, and shall specify, if necessary in the said report, the huts which should be removed, the roads, drains, and sewers which should be constructed, and the low lands which should be filled up, with a view to the removal of the said risk of disease.

On receipt of report Commissioners may cause notice to be served.

265. On receipt of the said report the Commissioners at a meeting may require the owners or occupiers of the huts, or at the option of the Commissioners, the owner of the land on which such huts are built, to carry out and execute, within a reasonable time, to be fixed by the Commissioners for such purpose, all or any of the works specified in the aforesaid report, or any portion thereof respectively.

Expenses may be recovered by instalments or remitted in case of poverty.

266. The Commissioners at a meeting may order that any expenses payable in respect of any work done by them in consequence of the failure of the owners or occupiers to execute such work when required to do so under the last preceding section, shall be recovered by instalments from the person liable to pay the same; or if it should appear to them that the said person is unable by reason of poverty to pay the same, may order the same, or any portion thereof, to be paid out of the Municipal Fund.

Sale of huts.

267. If any of the said huts be pulled down, the Commissioners shall cause the materials of each hut to be sold separately, if such sale can be effected, and the proceeds shall be paid to the owner of the hut; or if the owner be unknown, or the title disputed, shall be held in deposit by the Commissioners, until the person interested therein shall obtain the order of a Civil Court of competent jurisdiction for the payment of the same.

If Commissioners fail to act, Lieutenant-Governor may take steps.

268. In case the Commissioners should omit to take any action under sections two hundred and sixty-four and two hundred and sixty-five, or in the opinion of the Lieutenant-Governor should fail to give proper effect to the provisions thereof, the Lieutenant-Governor may cause any block of huts to be

inspected by the Sanitary Commissioner of Bengal, who shall make a report in writing to the Lieutenant-Governor on the sanitary condition of the locality, and in the event of his reporting that the sanitary condition of the locality is such as to be attended with risk of disease to the inhabitants or the neighbourhood, shall specify the huts which should be removed, the roads, drains, and sewers which should be constructed, and the low lands which should be filled up, with a view to the removal of the said risk of disease.

On receipt of report Lieutenant-Governor may order Commissioners to serve notice on owners.

269. On receipt of the said report, the Lieutenant-Governor may order the Commissioners to require the owners or occupiers of the huts, or the owner of the land on which such huts are built, to carry out and execute, within a reasonable time, to be fixed by the Lieutenant-Governor for such purpose, all or any of the works specified in the said report, or any portion thereof respectively, and a requisition made by the Commissioners in accordance with such order shall be deemed to be a requisition made under section two hundred and sixty-five.

If Commissioners make default in carrying out order, Lieutenant-Governor may carry it out.

270. If the Commissioners make default in carrying out the said order of the Lieutenant-Governor, the Lieutenant-Governor may appoint some officer to perform the same, and such officer may exercise such powers as the Commissioners, or the Commissioners at a meeting, might have exercised in respect of the execution of the required works, and in respect of the recovery of the expenses incurred thereby, and shall be liable to all or any of the obligations imposed upon the Commissioners by section two hundred and sixty-seven; and the expenses incurred by such officer in the execution of the said works shall, subject to the provisions of section two hundred and sixty-six, be paid by the owners or occupiers of the huts, or the owner of the land, as the Lieutenant-Governor may direct.

Of the Regulation of the Sale of Food, Drink, and Drugs.

Markets, slaughter-houses, &c., to be properly drained.

271. Every owner, or occupier, or farmer, of any place for the sale of meat, poultry, fish, or vegetables, or of any slaughter-house, within the limits of a Municipality, shall cause such drains to be made therein as shall be considered sufficient by the Commissioners, and (if required so to do by the Commissioners) shall cause all the floors and drains to be paved with stone or burnt brick, and shall also cause a supply of water to be provided, sufficient for keeping such place or slaughter-house in a clean and wholesome state.

Penalty.

272. If such owner, occupier, or farmer, after notice in writing given to him by the Commissioners that such place or slaughter-house is defective in any of the said particu-

lars, and requiring him to remedy the defect specified within not less than thirty days, makes default therein, he shall be liable to a fine not exceeding twenty rupees for every day during which such default is continued after issue of the said notice.

Sale of unwholesome food or drink.

273. Any Magistrate, on the application of the Commissioners or any of their officers, setting forth that there is just cause to believe that any article which has been rendered, or has become noxious or unfit for use as food or drink for man, is in the possession of any person for the purpose of being sold or offered, or exposed for sale, within the limits of a Municipality, as food or drink for man, may grant a warrant to enter upon the premises of such person, and to search for and seize such article;

and if it appear to the said Magistrate that the same is noxious or unfit for such use, he shall order it to be forfeited and disposed of in such way as to him shall seem proper.

Power to Commissioners to enter and inspect markets, shops, &c., and to seize unwholesome articles exposed for sale.

274. The Commissioners, or any person authorized by them in that behalf, may at all reasonable times enter into and inspect any market, buildings, shop, stall, or place used for the sale of meat, poultry, fish, vegetables, corn, bread, flour, wine, spirits, butter, ghee, or other food or drink, or as a slaughter-house, and may examine any of the aforesaid articles of food or drink which may be therein; and in case any of the aforesaid articles of food or drink appear to be intended for the food or drink of man, and to be unfit for such food or drink, may seize the same;

and if it appear to a Magistrate that any of the aforesaid articles of food or drink is unfit for the food or drink of man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such food.

No place to be kept for the sale of drugs unless registered.

275. No place shall be kept for the sale of drugs unless the same shall have been registered in the office of the Commissioners.

Penalty.

276. Whoever uses any such place as is mentioned in the last preceding section without the same being registered, shall be liable to a fine not exceeding one hundred rupees, and to a further fine not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Inspection of drugs.

277. The Commissioners, or any person authorized by them in that behalf, may, at all reasonable times, enter into and inspect any place kept for the sale of drugs or in which drugs are sold, and if they have reason to suspect that any

drug in the said place is adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, may remove the same on giving a receipt therefor, specifying the nature and quantity of the drug removed, and its approximate value; and if it appear to a Magistrate that the said drug removed as aforesaid is adulterated as aforesaid, he may order the same to be destroyed, or to be so disposed of as to him may seem fit.

Compensation if drug is not adulterated.

If it shall appear to the said Magistrate that the drug so removed is not adulterated as aforesaid, the person from whose shop or place it has been taken shall be entitled to have it restored to him, and it shall be in the discretion of the said Magistrate to award him such compensation as he may think proper, not exceeding the actual loss which has been sustained.

If the drug removed as aforesaid is not brought before a Magistrate, it shall be restored to the person from whose shop or place it was taken, and such person shall be entitled to compensation for any actual loss which he may have sustained by the removal of the said drug.

Of Burial and Burning-Grounds.

Registration of existing burial and burning grounds.

278. Within three months from the date on which this and the six next succeeding sections may come into force as provided in section two hundred and thirty-four, every place which is used as a burial or burning-ground for corpses shall be registered as such by the owner thereof in the office of the Commissioners, but no fee shall be charged for such registry.

No burial or burning place henceforth to be formed without leave of Government or of Commissioners.

279. No burial or burning-ground, whether public or private, shall be made or formed, or having lapsed into disuse, shall be again used as such, otherwise than with the permission of the Commissioners, or under the authority of the Lieutenant-Governor.

Commissioners may order certain burial or burning-grounds to be closed.

280. If it shall appear to the Commissioners at a meeting that any public or private burial or burning-ground is dangerous to health or offensive to the tax-payers, or to the inhabitants of the neighbourhood, and also that a suitable place for interment or burning, as the case may be, exists within a convenient distance, and is open and available to the inhabitants of the Municipality, the Commissioners shall give public notice of their intention to close such burial or burning-ground, and shall consider any objections which may be preferred within fifteen days of the publication of such notice; after considering such objections they may, with the sanction of the Commissioner of the Division previously obtained, by notification to be affixed on

some conspicuous part of the ground, appoint a time, not being less than two months, for the closing of such burial or burning-ground.

If any building is attached to, and used in connection with, a burning-ground closed under this section, the Commissioners shall, if the owner of such building make an application to them in that behalf, take over the same on payment of a fair price therefor.

Prohibition to bury or burn in unregistered ground.

281. After the expiration of the three months, as mentioned in section two hundred and seventy-eight, no corpse shall be buried or burnt otherwise than in a place which is borne on the register of the Commissioners as an open burial or burning-ground; but the Commissioners may grant special permission for a corpse to be buried or burnt elsewhere.

Penalty.

282. Whoever, after the expiration of the period mentioned in the last preceding section, knowingly buries or burns, or causes, procures, or suffers to be buried or burned, any corpse in or on any ground not registered as a burial or burning-ground, shall be liable to a fine not exceeding one hundred rupees.

Commissioners may provide places to be used as burial or burning grounds.

283. The Commissioners at a meeting may, from time to time, out of the Municipal Fund, with the sanction of the Lieutenant-Governor, provide fitting places to be used as burial or burning-grounds.

Commissioners may provide for burial of paupers free of charge.

284. The Commissioners at a meeting may, from time to time, out of the Municipal Fund, provide for the burial and burning of paupers, free of charge, within the limits of the Municipality.

Of certain Offensive and Dangerous Trades or Occupations.

Certain offensive and dangerous trades not to be established within limits to be fixed by the Commissioners without license.

285. Within such local limits as may be fixed by the Commissioners at a meeting, no place shall be used without a license from the Commissioners, which shall be renewable annually, for any of the following purposes, namely:—

melting tallow;

boiling offal or blood;

skinning or disembowelling animals;

as a soap-house, oil-boiling-house, dyeing-house;

as a tannery, slaughter-house, or kiln for making bricks, pottery, tiles, or lime;

as a manufactory or place of business from which offensive or unwholesome smells may arise;

as a yard or depôt for trade in hay, straw, wood, thatching grass, jute, or other dangerously inflammable material;

as a store-house for kerosine, petroleum, naphtha, or any inflammable oil, spirit, or explosive substance;

as a shop for the sale of meat;

or as a serai.

Such license shall not be withheld unless the Commissioners have reason to believe that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in or frequenting the immediate neighbourhood.

The Commissioners may impose such conditions in respect of such license as they may think necessary.

This section shall not be applicable, until the expiration of one year from the date on which it may come into force as provided in section two hundred and thirty-four, to any land which may have been used for any such purpose before such date.

The corresponding section of Bengal Act III of 1864 was held to refer to the burning of bricks for trading purposes, and not to cases where bricks are made for the particular use of the person burning them—SEIBAM CHUNDER HALDAR v. CHAIRMAN OF THE HOWRAH MUNICIPALITY, 20 W. R., Cr. 65.

Penalty.

286. Whoever, without a license, uses any place for any of the aforesaid purposes within the limits of a Municipality after the expiration of the said time, shall be liable to a fine not exceeding fifty rupees for every such offence, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

Commissioners may, in certain cases, order the use of slaughter-houses, and the carrying on of dangerous and offensive trades, to be discontinued.

287. If it be shown to the satisfaction of the Commissioners at a meeting that any place licensed under section two hundred and eighty-five, or that any place in respect of which the period of one year as mentioned in the said section has not expired, is a nuisance to the neighbourhood, they may, notwithstanding anything contained in the said section, give notice to the occupier to discontinue the use of such place within one month after the date of such notice.

Penalty.

288. Whoever, after the expiration of such time, uses such place, or permits it to be used in such a manner as to be a nuisance to the neighbourhood, shall be liable to a fine not exceeding two hundred rupees, and to a further fine, not exceeding forty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Milkman, &c., not to keep animals or cattle without license.

289. Within such limits as the Commissioners at a meeting may determine, no milkman, cartman, livery stable-keeper, or keeper of hackney carriages shall keep any horses, ponies, or horned cattle exceeding ten heads for the purposes of trade or of business except in a place licensed by the Commissioners.

Such license shall be taken out half-yearly, in the first and seventh month in every year.

It shall be in the discretion of the Commissioners in meeting to grant any such license subject to such conditions as they may think fit.

Penalty.

290. Whoever being a milkman, cartman, livery stable-keeper, or keeper of hackney carriages, keeps any horses, ponies, or horned cattle within such limits without such license, and contrary to the provisions of the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding twenty rupees, for each day during which the offence is continued after he has been convicted of such offence.

Penalty.

291. Whoever, being the holder of a license under section two hundred and eighty-nine, breaks the conditions of such license, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

Pig-styes, sheep, and goats.

292. Within such limits as the Commissioners may direct, no person shall keep any pig-stye not being shut out from a road by a sufficient wall or fence, and no person shall keep within such limits more than ten pigs, or more than twenty sheep or goats, otherwise than with the written permission of the Commissioners.

The Commissioners may charge an annual fee, not exceeding two rupees, for such permission, and may impose such conditions in respect of such permission as they may think necessary.

Penalty.

293. Whoever keeps any pig-stye, pigs, sheep, or goats, contrary to the provisions of the last preceding section, shall be liable to a fine not exceeding fifty rupees, and to a further fine, not exceeding ten rupees, for each day during which the offence is continued after he has been convicted of such offence.

Suspension or revocation of license, &c.

294. Any Magistrate before whom any person is convicted of an offence contrary to the provisions of this Act relating to the use of any place for a purpose for which a license is required, or of the non-observance of any of the bye-laws relating thereto

made under this Act, in addition to the fine which may be imposed on such person under this Act, may suspend, for any period not exceeding two months, any such license;

and the Commissioners, upon the conviction of any person for a second or other subsequent like offence, may cancel his license.

PART VIII.

Of the Registration of Births and Deaths.

Registration of births and deaths.

295. Every Municipality, when required by the Lieutenant-Governor to do so, shall provide for the registration of births and deaths within the limits of its jurisdiction in accordance with the provisions of Bengal Act IV of 1873 (*for registering births and deaths*), or any other similar Act for the time being in force.

On requisition of Government, Commissioners to appoint Sub-Registrars at burning ghâts and burial-grounds.

296. The Lieutenant-Governor may require the Commissioners of any Municipality to appoint and maintain at each burning ghât and burial-ground for natives a Sub-Registrar for the registration of all corpses brought to such burning ghât or burial-ground for cremation or interment.

Information required by Bengal Act IV of 1873 to be given to such Sub-Registrars.

297. Whenever a Sub-Registrar shall have been appointed for any burning ghât or burial-ground under the last preceding section, information of the particulars required by section 8 of Bengal Act IV of 1873 to be known and registered may be given, in respect of the death of any person whose body is brought to such burning ghât or burial-ground for cremation or interment, to such Sub-Registrar, and information so given shall be deemed to be information given to the Registrar of the district as required by the said section.

Section 9 of Bengal Act IV of 1873 shall be applicable to all Sub-Registrars appointed under this Act.

Information of deaths in hospitals.

298. Whenever a death shall occur in any hospital within the limits of any Municipality in respect of which the Lieutenant-Governor has directed that all deaths shall be registered under Bengal Act IV of 1873, it shall be the duty of the medical officer in charge of such hospital forthwith to send a notice in writing of the occurrence of such death to the Commissioners in such form as the Lieutenant-Governor may prescribe; and in such case no other person shall be required to give information of such death to a Registrar under Bengal Act IV of 1873, or to a Sub-Registrar under this Act.

PART IX.

Of Municipal Markets.

Operation of this Part.

299. This Part shall not apply to any Municipality until it has been expressly extended thereto by the Lieutenant-Governor by notification in the *Calcutta Gazette.*

This Part has been, extended to Monghyr, *Calcutta Gazette*, 1876, p. 1169; to the Suburbs of Calcutta, *ibid.*; to Sasseram, *ibid*, 1878, p. 814; to Arrah, *ibid.*, p. 1371; to Darjeeling., *ibid.*, p. 1398; to Dacca, *ibid.*, p. 1465; to Gya, *ibid.*, p. 1548; to Cuttack, *ibid.*, 1877, p 235; to Tumlook, *ibid.*, p. 478; to Deoghur, *ibid.*, p 746; to Beamsgunge market in the town of Purneah, *ibid.*, p. 1400.

Power to construct markets.

300. The Commissioners at a meeting may, with the sanction of the Lieutenant-Governor, and not otherwise, provide land for the purpose of being used as Municipal Markets; and may defray the cost of providing such land, and of all expenses necessary for the establishment of such markets from the Municipal Fund, and may take a lease of any market;

and may, with such sanction, charge rent, tolls, and fees for the right to expose goods for sale in such markets, and for the use of shops, stalls, and standings therein.

All such rents, tolls, and fees may be recovered as arrears of tax under the provisions of sections one hundred and eleven to one hundred and twenty (both inclusive).

Market Fund.

301. All rents, tolls, fees, and other sums received in respect of any market shall be credited to a separate fund, distinct from the Municipal Fund, which shall be styled "the Market Fund," and all expenses incurred in respect of the market shall be charged against such fund.

Interest on sums expended from Municipal Fund on markets.

Every sum expended from the Municipal Fund under the provisions of this section on any market shall, until such sum be repaid, be treated as a book debt against the Market Fund, bearing interest at the rate of five per centum per annum, and such interest shall be charged against the Market Fund and credited to the Municipal Fund as soon as possible after the close of each year.

Definition of "Municipal Market."

302. No place shall be deemed to be a Municipal Market for which the sanction of the Lieutenant-Governor is required under section three hundred, and no place shall be deemed to be a market to which the following sections apply, unless at least thirty shops, stalls, or standings are erected therein for the sale of goods.

Commissioners may prohibit use of unlicensed markets.

303. The Commissioners at a meeting may order that within such limits as they may fix, no land shall be used as a market for the sale of meat, fish, butter, ghee, fruits, vegetables, and similar provisions, otherwise than under a license to be granted by the Commissioners.

Power to grant licenses for markets.

304. When the Commissioners at a meeting shall have issued an order under the last preceding section, they may at a meeting grant a license for the use of any land as a market for the sale of provisions as aforesaid within the Municipality.

Durations of license and terms on which granted.

305. Every license granted under this Part shall be granted without fee, and shall be in force until the end of the year, and the Commissioners may grant such license, year by year, on the certificate in writing under the hand of the Chairman, annually renewed, that the land is fit to be used as a market for the sale of provisions as aforesaid.

Chairman bound to certify fit places.

306. The Chairman, upon the application in writing of the owner of any land, shall grant such certificate, unless the land be defective for the purposes of a market in drainage, ventilation, water-supply, or proper width of paths and ways.

Existing markets.

307. The owners or lessees of all land used as markets for the sale of provisions as aforesaid at the time of the extension of this Part to the Municipality, shall be entitled to receive a license for the current year without the certificate required by section three hundred and five, but in subsequent years the license shall not be renewed without such certificate.

Licenses to be registered.

308. Every license under this Part shall be registered in a book to be kept for that purpose by the Commissioners in their office, in which shall be stated

(*a*) the name and address of the owner of the land and market;

(*b*) the name and address of the lessee thereof, if any;

(*c*) the extent and boundary of the market;

(*d*) the description of articles sold therein; and

(*e*) the days on which the market will be held.

Transfers to be registered.

309. Every transfer of interest in any such market shall be registered within two months after the date of transfer.

310. Any market, the license of which or the transfer of interest in which shall not have been duly registered under the two last preceding sections, shall be deemed to be land used as a market without a license.

Unregistered markets to be deemed unlicensed.

311. Whoever, being the owner or occupier of any land, wilfully or negligently permits the same to be used as a market for the sale of meat, fish, butter, ghee, fruits, vegetables or similar provisions without a license under section three hundred and four, shall be liable to a fine not exceeding two hundred rupees for every such offence, and to a further fine, not exceeding forty rupees, for each day during which the offence is continued after conviction for such offence.

Penalty for using unlicensed market.

312. The Magistrate, on the application of the Commissioners, may order any land, in respect of which a conviction shall have been obtained under the last preceding section, to be closed as a market place, and thereupon may appoint persons, or otherwise take order, to prevent such land being so used; and every person who shall sell or expose for sale meat, fish, butter, ghee, fruits, vegetables, or similar provisions on any land which shall have been so closed, shall be liable, for every such offence, to a fine not exceeding ten rupees.

Power to close unlicensed places.

PART X.

Of Bye-laws and Miscellaneous Matters relating to Municipalities.

313. The Commissioners of any Municipality may from time to time, at a meeting which has been convened expressly for the purpose, and of which due notice shall have been given, make bye-laws not inconsistent with the provisions of this Chapter for—

Bye-laws in a first class Municipality.

(*a*) regulating the conduct of business at their meetings;

(*b*) regulating the time and mode of collecting the taxes mentioned in this Chapter;

(*c*) regulating the conduct of persons employed by them;

(*d*) the prevention of the construction or opening of cess-pools;

(*e*) regulating the disposal of offensive matter, rubbish, and dead bodies of animals;

(*f*) the regulation and management of privies;

(*g*) regulating traffic in the streets;

(*h*) regulating or prohibiting the use of fire-balloons, fireworks, fire-arms, or other missiles in the vicinity of public roads;

(*i*) the registration of births and deaths;

(*k*) and generally for the purposes of this Chapter.

And the Commissioners of any Municipality to which Part IX may have been extended may similarly make bye-laws for the regulation of markets.

The Commissioners may from time to time, at a meeting as aforesaid, repeal, alter, or add to such bye-laws;

provided that no fee or toll which is not expressly sanctioned by this Act shall be levied under any such bye-laws.

Confirmation of bye-laws.

314. No bye-law, and no repeal, alteration of, or addition to, any bye-law, shall have effect until the same has been confirmed by the Lieutenant-Governor, and until the expiration of one month after the same has been published as provided by section three hundred and sixty-five, and no bye-law, and no alteration of, or addition to, any bye-law shall be sanctioned by the Lieutenant-Governor otherwise than on the recommendation of the Commissioners at a meeting.

Penalties for breach of bye-laws.

315. The Commissioners at a meeting may, with the sanction of the Lieutenant-Governor, declare the penalties which shall be incurred by the breach of any bye-law, and any person committing a breach of any bye-law shall be liable to the penalty so declared; provided that no higher penalty shall be incurred by the breach of any bye-law than a fine of fifty rupees for every offence specified thereby, and a further fine of ten rupees for each day during which the offence is continued after the offender has been required, by a notice in writing, to desist from such offence.

Commissioners may direct prosecution for public nuisance.

316. The Commissioners may direct any prosecution for any public nuisance, and may order proceedings to be taken for the recovery of any penalties under this Chapter, and for the punishment of any persons offending against the same, and may order the expenses of such prosecution or other proceedings to be paid out of the Municipal Fund.

No prosecution for an offence under this Act to be instituted without consent of Commissioners.

317. No prosecution for an offence under this Chapter or any bye-law made in pursuance thereof shall be instituted without the order or consent of the Commissioners, and no such prosecution shall be instituted except within three months next after the commission of such offence, unless the offence is continuous in its nature, in which case a prosecution may be instituted within three months of the date on which the commission or existence of the offence was first brought to the notice of the Chairman of the Commissioners;

provided that the failure to take out any license under this Chapter shall be deemed to be a continuing offence until the expiration of the period for which such license is required to be taken out.

Procedure if Commissioners fail to pay for police, maintain roads, &c.

318. If the Commissioner of the division in which the Municipality is situated shall have reason to believe that the Commissioners have failed to pay for the municipal police as required by this Chapter, or have failed to maintain within the limits of the Municipality any road which without such limits is maintained by a District Committee under the Road Cess Act, 1871,

or have failed to maintain in proper order the Roads within the Municipality,

or have failed to make adequate and suitable provision for the cleaning and the conservancy of the Municipality to an extent likely to be prejudicial to the health of the inhabitants of any part thereof,

the said Commissioner may, with the sanction of the Lieutenant-Governor, convene a committee consisting of

(*a*) the Magistrate of the district, or the Magistrate of the division of the district,

(*b*) the Executive Engineer of the division,

(*c*) the Civil Surgeon of the district,

(*d*) and two members, one of whom shall be nominated by the Commissioner of the division, and the other by the Commissioners at a meeting;

and such committee shall inquire into and report on the state of the Municipality.

The Lieutenant-Governor may, on the report of such committee, call upon the Commissioners by a requisition in writing forwarded to the Chairman, and published in the *Calcutta Gazette*, to raise the necessary funds and carry out the purposes of this Chapter, in respect of all or any of the objects mentioned in this section.

And if the Commissioners neglect, for the period of three months from the date of such publication, to comply with such requisition, the Lieutenant-Governor may direct the Magistrate of the district to raise the necessary funds under the provisions of this Chapter, and carry out the purposes thereof in respect of the said objects, or any of them; and for such purposes the Magistrate of the district shall have all the powers and rights conferred on the Commissioners and the Commissioners at a meeting by this Act, and shall exercise such powers and rights until the said Lieutenant-Governor shall otherwise direct.

CHAPTER III.

Of Unions.

Extent and commencement of this Chapter.

319. In every place which, in accordance with the provisions of section three, becomes a Union under this Chapter, every person who has been appointed to be a member of a

punchayet for such place under Act XX of 1856, and is serving as such member at the commencement of this Act, shall be deemed to be a member of the punchayet duly appointed for such Union; and in every such Union any tax which may have been imposed and assessed under the provisions of the said Act shall be deemed to have been imposed and assessed under this Chapter, and may be levied as in this Chapter provided.

For list of Unions, see note to section 3.

Lieutenant-Governor may extend Chapter.

320. The provisions of this Chapter may be extended by the Lieutenant-Governor, by notification published in the *Calcutta Gazette*, to any city, town, suburb, or bazar, not being within the limits of the ordinary original jurisdiction of the High Court at Fort William in Bengal, from such date as may be specified therein, and shall thereupon come into force in such city, town, suburb, or bazar on the date so specified.

Lieutenant-Governor may vary limits of town or withdraw it from operation of Chapter.

321. The Lieutenant-Governor may, by like notification, at any time vary the limits of any Union, or withdraw any Union from the operation of this Chapter.

Union of Dowlutkhan withdrawn—*Calcutta Gazette*, 1877, p. 535; also Patuakhali, *ibid*, p. 1178; Dwarbasinee, *ibid.*, p. 1654; limits of Kishengunge Union varied, *ibid.*, 1878, p. 110.

Unions may be formed.

322. The Lieutenant-Governor may, by notification to be published in the said *Gazette*, form into a Union for the purposes of this Chapter any city, town, suburb, or bazar, or any part or parts of a city, town, suburb, or bazar, with any other city, town, suburb, or bazar, or part or parts of a city, town, suburb, or bazar; but no agricultural village intervening shall be included in such Union.

The town of Palkote, in the district of Lohardugga, has been formed into a Union,—*Calcutta Gazette*, 1876, p. 1333; also Chenaree, in the district of Shahabad, *ibid.*, 1877, p. 47.

Government may define limits of towns, &c.

323. For the purposes of this Chapter, the Lieutenant-Governor may define and declare the limits of any Union formed under the last preceding section, and all occupiers of houses within any such Union shall be liable to be assessed according to the provisions of this Chapter for the purposes mentioned in the next succeeding section; but such Union shall not include any agricultural village.

Magistrate to raise money.

324. The Magistrate of every Union shall, by ways and means in and by this Chapter provided, cause to be levied and raised in such Union the amount of the expense of the police to be borne under the provisions of this Chapter by such Union, and the cost of raising such amount; and the Magistrate may by the same ways and means cause to be levied such further sum as to him shall seem meet, and apply the same in cleansing such Union, in providing drinking-water, or in lighting or otherwise improving the same;

provided that the aggregate amount to be raised under the provisions of this section shall not exceed the average rate of one rupee and eight annas per annum for each house, and the amount assessed in respect of any one house shall not be more than the pay of a police officer of the lowest grade who is appointed to such Union.

The Town Fund.

325. All sums raised, levied, or received by the Magistrate, and all fines paid or levied under this Chapter, and all other sums which the Lieutenant-Governor may direct, shall constitute a fund which shall be called the Union Fund of the Union on account of which they are raised, levied, or received; and all expenditure authorized by this Chapter shall be made from such fund.

Magistrate may cause estimates to be prepared.

326. The Magistrate shall, before the close of each year, cause to be prepared in detail estimates showing the probable receipts and expenditure of the Union during the ensuing year, and shall lay such estimates before the Commissioner of the division, who may accept, amend, or reject the same.

Nature of the tax to be levied.

327. The tax to be levied in any Union for the purposes of this Chapter shall be an assessment according to the circumstances and the property to be protected of the persons liable to the same.

Constitution of punchayets.

328. For the purposes hereinafter mentioned, the Magistrate shall constitute and appoint a punchayet for each Union, or when he may see fit to divide any Union into convenient wards, for each ward thereof; and shall issue a certificate of appointment, specifying the names, residence, business, or other description of the persons appointed, and the period for which the appointment is made.

Every punchayet shall consist of three or five respectable persons residing or carrying on business in or near to any such Union, or in or near to any such ward thereof;

provided that, instead of any one such person, the Magistrate may appoint any person whom he may think fit to be a member of the punchayet, notwithstanding such person may not reside or carry on business in or near to such Union, or in or near to any such ward thereof.

Duties of punchayet.

329. The punchayet so appointed, or the majority of them, shall, once in every year, if required so to do by the Magistrate, prepare and make, in accordance with the rules laid down in the requisition, an assessment upon the several persons liable to be assessed in respect of their occupation of property within the Union, or any ward thereof as aforesaid for which the punchayet shall be appointed, and shall enter

the same in a list which shall specify the names of the several occupiers of property within such Union or ward thereof liable to be assessed under the provisions of this Chapter, the trade, business, or other description of such occupier, the property occupied, and the amount payable monthly by such occupier.

Form of Magistrate's requisition.

330. The requisition of the Magistrate to the punchayet to make out such list shall be in the form marked A, set forth in the fourth schedule, or to the like effect.

Punchayet may revise existing assessment.

331. The punchayet shall, if required by the Magistrate so to do, instead of making a new assessment, revise and amend the assessment then in force.

Magistrate may amend and settle assessment as revised by the punchayet.

332. When an assessment shall have been made or revised, as the case may be, the punchayet shall forward to the Magistrate the list containing the same, and the Magistrate shall revise and, if necessary, amend and settle it.

Magistrate may exempt occupiers unable to pay the assessment.

333. The Magistrate may, at his discretion, exempt from the assessment any occupier who may be unable from poverty to pay the same.

Notice of assessment to be published.

334. When the assessment shall have been settled, the Magistrate shall sign the list, and shall cause a copy thereof to be prepared in the form B in the fourth schedule, and deposited in his office, and a notification in the form C of the said schedule or to the like effect, and written in the language which is ordinarily spoken in such Union, to be published in the manner provided in section three hundred and sixty-five.

Assessment to stand good for one year.

335. Unless revised or corrected as hereinafter provided, every assessment made under this Chapter shall stand good for one whole year, and until a new one is made.

Change of occupation before a new assessment.

In case the occupier of any property included in any assessment shall be changed before a new assessment is made, the new occupier, instead of the former occupier thereof, shall be liable in respect of such property for any portion of the assessment which shall have become payable during his occupation; and, after notification to such person, the Magistrate may cause his name to be substituted in the said list for the name of the former occupier.

Revised assessment to be deemed a new one.

Every assessment which shall be revised according to the provisions of section three hundred and thirty-one shall be deemed a new assessment;

provided that if no new assessment is made within the first three months of any year, a notification of the list of the previous year shall be published as required by section three hundred and thirty-four, and such list shall thereupon be deemed to be the assessment for the current year, and shall be open to appeal under the next succeeding section.

Appeal from assessment.

336. Any person assessed who shall be dissatisfied with his assessment or who shall dispute his occupation of any property, or his liability to be assessed, may appeal to the Magistrate; and the Magistrate, after making such inquiries as he deems necessary, by examination of the appellant on oath or solemn affirmation, or otherwise, may confirm the assessment or amend the same.

The decision of the Magistrate in such cases shall be final, and no objection shall be taken to any assessment, nor shall the liability of any person to be assessed be questioned in any other manner or by any other Court;

provided that no appeal shall be received after the expiration of one month from the time of the publication of the notification prescribed by section three hundred and thirty-four, or of the notification of the substitution of the name of an occupier under section three hundred and thirty-five, unless the Magistrate, upon reasonable cause shown, shall extend the time for receiving such appeal.

Commissioner may direct revision of assessment.

337. The Commissioner of the division, with the consent of the Lieutenant-Governor, may at any time direct the Magistrate to revise the assessment of any Union or ward thereof as aforesaid, specifying the reasons which in his opinion, render such revision necessary, and the Magistrate shall, according to such direction, revise and, if necessary, amend the same.

Magistrate may direct revision of assessment at any time of the year for reasons to be stated.

338. The Magistrate may require the punchayet to revise the assessment at any period during the year, but on every such occasion he shall address a written order to the punchayet specifying the reasons which render such revision necessary, and requiring an amended return within a stated period.

Publication of assessment as revised under the last two sections.

339. Whenever any assessment is revised during the year as provided in the two last preceding sections, a copy of such revised list shall be prepared and deposited as provided in section three hundred and thirty-four, and a notification shall be published in the manner directed in the said section. And all objections to such revised assessment shall be made and dealt with in the manner prescribed by section three hundred and thirty-five.

340. If the persons appointed a punchayet, or a majority of them, refuse or omit, for a period of fifteen days after the receipt of an order from the Magistrate, to perform the duties required of them, the Magistrate may himself make or revise the assessment, and may enforce the same as if it had been made or revised in the first instance by the punchayet;

If punchayet refuse or omit to act, Magistrate may assume their functions.

provided that the functions of the punchayet shall not thereby absolutely cease and determine, but may be resumed at any time, only not so as to invalidate any act done by the Magistrate under this section.

341. Every punchayet shall be appointed for the period of one year, and any person who has served as member of a punchayet during one year may be re-appointed so to serve during the following year.

Duration of punchayet and service thereon.

342. If a majority of the persons assessed in any Union or ward for which a punchayet shall be appointed, not being in arrear, make application in writing to the Magistrate for the removal of any member of the punchayet appointed for such district, the Magistrate, if he think it expedient, may remove such member from the punchayet.

Member of punchayet removeable only on application of rate-payers.

343. If any vacancy shall occur among the members of a punchayet, or if any member appointed shall refuse or decline or be unable to act, the Magistrate may, by a written communication to the person appointed, nominate and appoint another person to supply the vacancy or to be a member of the punchayet.

Vacancies in punchayet how to be supplied.

344. In cities and large towns containing three or more divisions or districts, the Magistrate may appoint a sudder punchayet consisting of not less than five members, who may be selected either from the members of the local punchayets or from any other residents of the town.

Appointment and duty of sudder punchayet.

It shall be the duty of the sudder punchayet to assist the Magistrate, when required so to do, in carrying out generally the objects of this Chapter, and particularly in revising the assessment made by the punchayets of wards of the Union, and inquiring into, and reporting on, appeals preferred against the same.

345. Subject to the approval of the Commissioner of the division, the Magistrate may appoint one or more tax collectors and such other servants as may be necessary for preparing, or assisting the punchayet in preparing the assessment, for copying the same, for collecting the tax, keeping the accounts and

Appointment of Tax Collectors and other establishments.

records, and otherwise carrying out the purposes of this Chapter. The Magistrate shall take from every tax collector such security for the due disposal of the sums collected by him as may be thought necessary.

Collection of assessment.

346. On such dates as may be fixed by the punchayets for payment of instalments of the tax, the tax collector shall proceed in person, or through some one of his office establishment, to collect the amount due for the current month from each person subject to the tax, and for all sums so collected the tax collector shall grant a receipt;

provided that, with the sanction of the Commissioner of the division previously obtained, the collection may be made quarterly instead of monthly, and in such case the amount due for each quarter shall be collected in the last month of that quarter.

Recovery of sums not paid to the tax collector.

347. For the recovery of all sums which may not be paid to the tax collector on demand, the Magistrate shall proceed, as far as possible, in accordance with sections one hundred and eleven to one hundred and twenty (both inclusive).

Part V of Chapter II applicable to towns.

348. The provisions of Part V of Chapter II shall, as far as possible, be applicable to Unions. In so applying them, the sections of the said Part shall be read as if the word "Union" were substituted for the word "Municipality" and for the word "municipal" wherever such words occur;

and all functions assigned to the Commissioners of Municipalities by the said Part shall be performed by the punchayets of Unions;

provided that the District Superintendent of Police shall present his estimate as mentioned in section one hundred and sixty-seven to the Magistrate and not to the punchayet;

provided also that the Magistrate shall cause such estimate to be translated, made available for inspection by any tax-payers, and laid before the punchayets in the manner provided in section one hundred and sixty-nine, and that the District Superintendent of Police shall cause the bill mentioned in section one hundred and seventy-three to be laid before the Magistrate and not before the punchayet, and the Magistrate shall cause the amount to be paid as provided in the same section.

Penalty for removing, &c., name of street or number of house.

349. The Magistrate may cause a name to be given to any street and affixed in such place or places as he may think fit, and may also cause a number to be affixed to every house for the purpose of identifying such house; and

if any person shall wilfully remove, obliterate, or destroy such name or number, he shall be liable to a fine not exceeding twenty rupees.

Chapters I and V made applicable.

350. The provisions of Chapters I and V shall apply to every Union.

CHAPTER IV.

Of Stations.

Operation of Chapter.

351. In every place which, in accordance with the provisions of section three, becomes a Station under this Chapter, every person who has been appointed to be a Commissioner for such place under Act XXVI of 1850, and who is holding office as such Commissioner at the commencement of this Act, shall be deemed to be a Commissioner duly appointed for such Station, and in every such Station any tax which may have been imposed and assessed under the provisions of the said Act, shall be deemed to have been imposed and assessed under this Chapter, and may be levied as in this Chapter provided.

See note to section 3.

Lieutenant-Governor may extend Chapter.

352. If it shall appear to the Lieutenant-Governor, from a requisition in writing signed by not less than two-thirds of the inhabitants of any town or suburb, not being within the limits of the ordinary original jurisdiction of the High Court at Fort William in Bengal, that the inhabitants of such town or suburb are desirous of making better provision for making, repairing, cleaning, lighting, or watching any public streets, roads, drains, or tanks, or for the prevention of nuisances, or for improving the said town or suburb in any other manner, the Lieutenant-Governor may extend the provisions of this Chapter to such town or suburb.

Notice to be given of application.

353. Whenever any application shall be made to the Government for putting this Chapter in force in any town or suburb, notice thereof shall be given in the *Calcutta Gazette*, setting forth the purposes of the application, and giving reasonable time for all inhabitants of such town or suburb, who are minded to declare themselves for or against the adoption of this Chapter therein, for such purposes or any of them.

Such notice shall also be published as provided in section three hundred and sixty-five.

Publication of final order.

354. The Lieutenant-Governor shall take all such declarations into due consideration, and after the time allowed for receiving the same, shall make a final order which shall be published in the *Calcutta Gazette*, and also as provided in section

three hundred and sixty-five, to the effect that the application appears, or does not appear, to be according to the wishes of the inhabitants, either wholly, or in respect to one or more of the purposes in respect of which it is made; and if the whole or any part of it shall appear to be according to the wishes of the inhabitants, then that this Chapter shall be thenceforth in force in such town or suburb, for such purposes only as shall be mentioned in the order.

On publication of order, Chapter comes into force.

355. Whenever any such order shall be made and published as aforesaid, this Chapter shall come into force within the said town or suburb, for such purposes as are mentioned in the order, and the making and publication of the said order shall be conclusive evidence that the provisions of this Chapter have been complied with, and that this Chapter is thenceforth in force within the said town or suburb, for such purposes as are mentioned in the order.

Appointment of Commissioners.

356. Whenever this Chapter shall come into force in any place, the Lieutenant-Governor shall appoint the Magistrate and such number of the inhabitants thereof as to him shall appear necessary, to be Commissioners for putting the Chapter in force in the Station, and shall give authority to them to prepare rules for more effectually accomplishing the purposes for which they are appointed, which rules, when approved by the Lieutenant-Governor, and published in the *Calcutta Gazette*, shall be of the same force within the Station, until altered or rescinded as hereinafter provided, as if they were inserted in this Chapter.

And the Lieutenant-Governor may remove any of the Commissioners and appoint others, and may fill up vacancies occurring among the Commissioners in such manner as may seem to him fit.

Rules.

357. The rules to be prepared by the said Commissioners shall provide among other things, for those following, that is to say:—

(1) the appointment and management of all necessary officers and servants of the Commissioners, and the salaries to be allowed to them.

(2) the definition of the persons or property within the Station to be taxed for raising the monies necessary for the purposes of this Chapter (whether by house assessment or town duties, or otherwise), the amount or rate of the taxes to be imposed, the manner of raising and collecting them, and ensuring the safety and due application of them when collected;

(3) the manner in which, from time to time, the rules in force are to be amended or rescinded, and new rules are to be made, with the approval in every case of the Lieutenant-Governor;

(4) the definition and prohibition of nuisances within the Station;

(5) the imposition of reasonable penalties for breach of any rules made by the Commissioners, not exceeding fifty rupees, or in the case of a continuing nuisance, not exceeding five rupees, for every day that such nuisance is continued.

Station Fund.

358. All sums realized under the provisions of this Chapter shall be paid into a separate fund to be styled "The Station Fund of——," and such fund shall be at the disposal of the Commissioners, and all expenditure authorized by this Chapter shall be made from such fund.

Commissioners may make contracts.

359. The Commissioners appointed from time to time shall have full power to make all necessary contracts for the purposes of this Chapter, and apply the taxes raised as aforesaid in the necessary works, and in payment of their officers and servants, and in the other expenses incident to the execution of this Chapter within the Station.

Liability of Commissioners.

360. No Commissioner shall be personally liable for any contract made by the Commissioners on behalf of the inhabitants of the Station, but every Commissioner shall be liable for any misapplication of the monies collected, to which he shall have been knowingly party or privy, or which shall have happened through gross neglect of his duty, and shall be liable to be sued for the same as for money due to, and at the suit of, the Secretary of State in Council.

Recovery of taxes.

361. All sums due on account of any tax under this Chapter may be recovered in the manner provided by sections one hundred and eleven to one hundred and twenty (both inclusive), and the provisions of those sections shall, so far as may be practicable, apply to the recovery of all such sums by the Commissioners under this Chapter.

Commissioners to send Lieutenant-Governor an annual account.

362. All Commissioners acting in execution of this Chapter shall, on or before the last day of every year, make up and send to the Lieutenant-Governor an account of all works executed by them, and of all sums received and spent by them in the foregoing year in such form and with such vouchers as the Lieutenant-Governor shall from time to time order.

Lieutenant-Governor may suspend operation of Chapter.

363. The Lieutenant-Governor may at any time suspend the operation of this Chapter in any Station, and appoint any person or persons to examine and report upon the behaviour of the Commissioners, or any of them, or their officers, in the execution of the duties imposed on them by this Chapter.

Chapters I and V made applicable.

364. The provisions of Chapters I and V shall apply to every Station.

CHAPTER V.

OF GENERAL MATTERS RELATING TO MUNICIPALITIES, UNIONS, AND STATIONS.

Publication of bye-laws, orders, &c.

365. Every bye-law, order, notice, or other document directed to be published under Chapter II, Chapter III, or Chapter IV, as the case may be, shall be written in or translated into the vernacular of the district, and deposited in the office of the Commissioners, or (under Chapter III) in the office of the Magistrate, and a copy shall be posted up in a conspicuous position at such office and at every police station or outpost in the Municipality, Ward, Union, or Station, to which it relates, and in any other public places which the Commissioners or the Magistrate, as the case may be, may think proper..

And a public proclamation shall be made throughout such Municipality, Ward, Union, or Station by beat of drum, notifying that such copy has been so posted up, and that the original is open to inspection in the office of the Commissioners or of the Magistrate, as the case may be.

Levy of fines.

366. Fines under this Act may be imposed by a Magistrate on any person who is convicted of the offence to which the fine attaches, and may be levied under the provisions of section 307 of the Code of Criminal Procedure, 1872.

How notice, &c., may be served.

367. Every notice, bill, form, summons, or notice of demand under this Act may be served personally on or presented to the person to whom the same is addressed;

or be left at his usual place of abode, with some adult male member or servant of his family;

or, if it cannot be so served, presented, or delivered, may be put on some conspicuous part of his place of abode, or of the land, building, or other thing in respect of which the notice, bill, form, summons, or notice of demand is intended to be served.

Service of notice on owner or occupier of land.

368. Where any notice is required to be given to the owner or to the occupier of any land, such notice, addressed to the owner or occupier, as the case may require, may be served on the occupier of such land, or otherwise in the manner in the last preceding section mentioned;

provided that when the owner and his place of abode are known to the Commissioners or other authorities issuing the notice, they shall, if such place of abode be within the limits of their authority, cause every notice re-

quired to be given to the owner of any land to be served on such owner, or left with some adult male member or servant of his family;

and if the place of abode of the owner be not within such limits, they shall send every such notice by post in a registered cover addressed to his place of abode, and such service shall be deemed to be good service of the notice.

When the name of the owner or occupier is not known, it shall be sufficient to designate him as "the owner" or "the occupier" of the land in respect of which the notice is served.

Tax not invalid for want of form.

369. No assessment or rating of tax on property shall be invalid for error or defect of form, and it shall be enough in any assessment, valuation or rating for the purpose of making such tax, if the property so assessed or valued is so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

Holder of license to produce it when required.

370. Every person to whom a license has been granted under this Act shall, at all reasonable times while such license shall remain in force, if thereunto required by the authorities which granted the license or by any person authorized by them in that behalf, produce such license to the said authorities or to the person so authorized.

Penalty.

Whoever fails to produce his license when required to produce the same by any person authorized under this section to demand the production thereof, shall be liable to a fine not exceeding one hundred rupees.

Costs how recoverable.

371. All costs and other money which are due under the provisions of this Act to the Commissioners of any Municipality, to the Magistrate acting in any Union, or to the Commissioners of any Station, may be recovered in the manner provided in sections one hundred and eleven to one hundred and twenty (both inclusive.)

Power to sell unclaimed holdings for money due.

372. If money be due under this Act in respect of any holding from the owner thereof, on account of any tax, expenses, or charges, recoverable under this Act, and if the owner thereof is unknown, or the ownership thereof is disputed, the Commissioners, or the Magistrate acting under Chapter III, as the case may be, may publish twice, at an interval of three months, a notification of sale of such holding, and after the expiry of not less than three months from date of the last publication, unless the amount recoverable be

paid, may sell such holding to the highest bidder, who shall at the time of sale deposit the full amount of the purchase-money.

Any person may pay the amount due at any time before the completion of the sale, and may recover such amount by a suit in a Court of competent jurisdiction from any person beneficially interested in such property.

After payment of the amount due to the Commissioners or Magistrate as aforesaid, the surplus, if any, shall be paid on demand to any person who establishes his right to the satisfaction of such Commissioners or Magistrate or in a Court of competent jurisdiction, or if unclaimed for a period of three years, shall be transferred to the Municipal Fund, Union Fund, or Station Fund, as the case may be.

Power to make compensation out of the Municipal Fund.

373. The Commissioners under Chapter II, or the Magistrate acting under Chapter III, or the Commissioners under Chapter IV, respectively, may make compensation out of the Municipal, Union, or Station Fund respectively, to any person sustaining any damage by reason of the exercise of any of the powers conferred by this Act.

No action to be brought against the Commissioners or their officers until after one month's notice of cause of action.

374. No suit shall be brought against the Commissioners of any Municipality, the Magistrate acting under Chapter III, or the Commissioners of any Station under Chapter IV, or any of their officers, or any person acting under their direction for anything done under this Act, until the expiration of one month next after notice in writing has been delivered or left at the office of such Commissioners or Magistrate, and also (if the suit is intended to be brought against any officers of the said Commissioners or Magistrate, or any person acting under their directions) at the place of abode of the person against whom such suit is threatened to be brought, stating the cause of suit and the name and place of abode of the person who intends to bring the suit;

and unless such notice be proved, the Court shall find for the defendant.

Every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards.

If any such person to whom any such notice is given shall, before suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

This section corresponds with section 87 of Bengal Act III of 1864. It was held that the latter relates only to actions brought in respect of acts done by the Commissioners under the Act for the purpose of the Act.—PRICE v. KHILAT CHUNDRA GHOSE, 5 B. L. R., App. 60. Under the same section it was held that Commissioners are entitled to notice of action only when they acted in the *bonâ fide* belief that they were exercising powers given by that Act.—GOPEE KISHEN GOSSAIN v. RYLAND AND OTHERS, 9 W. R., 279. *See* 9 W. R., 535; 13 W. R., 461.

Chowkeedaree chakran lands.

375. Notwithstanding anything contained in section 3 of Bengal Act VI of 1870 (*an Act to provide for the appointment, dismissal, and maintenance of village chowkeedars*), the provisions of Part II of the said Act, relating to chowkeedaree chakran lands, shall be applicable to all such lands which have been assigned before the commencement of the said Act for the benefit of any part of a Municipality, Union, or Station, and all duties and functions which the punchayet of a village or any member thereof is required to discharge under the provisions of the said Part, shall be discharged, and all powers which the punchayet of a village or any member thereof is authorized to exercise under the said Part, shall be exercised,

in respect of any Municipality, by the Commissioners thereof;

in respect of any Union, by the Magistrate;

and in respect of any Station, by the Commissioners thereof;

and the proceeds of the assessment on such lands made under the said Part shall be paid into the Municipal, Union, or Station Fund (as the case may be), and shall be available for the purposes of such fund.

Police Officers to report offences and to arrest unknown offenders.

376. All Police Officers shall give immediate information to the Commissioners of the Municipality, the Magistrate of the Union, or the Commissioners of the Station, as the case may be, of any offence committed against this Act.

Any Police Officer may arrest any person committing in his view any offence against this Act, if the name and address of such person be unknown to him,

or if such person decline to give his name and address,

or if the Police Officer shall have reason to doubt the accuracy of such name and address, if given.

And such person may be detained until his name and address shall be correctly ascertained, or until he shall be brought up at once before a Magistrate.

Penalty for taking bribes.

377. If any person employed under this Act (not being a public servant within the meaning of section 21 of the Indian Penal Code) shall accept or obtain, or agree to accept or attempt to obtain, from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing, or forbearing to do, any official act,

or for showing or forbearing to show, in the exercise of his official functions, favor or disfavor to any person,

or for rendering or attempting to render any service or disservice to any person with the Commissioners or with any public servant, or with the Government as such,

he shall be punished with imprisonment, either simple or rigorous, as provided in section 53 of the Indian Penal Code, for a term which may extend to three years, or with a fine not exceeding five thousand rupees, or with both.

Saving clause.

378. Nothing in this Act contained shall be construed to

(*a*) render lawful any act or omission on the part of any person, which, but for this Act, would by law be deemed to be a nuisance:

(*b*) exempt any person guilty of nuisance from a suit in respect thereof:

(*c*) affect any enactment not hereby expressly repealed.

FIRST SCHEDULE.

FORM A.—(*See section* 103.)

Notice to be published of the preparation of the list of assessment on persons.

BENGAL MUNICIPAL ACT, 1876.

Section 103.

MUNICIPALITY OF

Whereas an assessment list of the tax upon persons occupying holdings has been deposited in the office of the Commissioners as required by section 103 of "the Bengal Municipal Act, 1876," notice is hereby given that the said list is open to the inspection of all persons desiring to inspect the same at the office of the said Commissioners during office hours on any day not being a close holiday, and that the several persons whose names are included in the said assessment are hereby required to pay the quarterly instalments set opposite to their names with regularity at the office appointed by the Commissioners for the receipt of the same, or to the tax-collector or other officer authorized to receive payment, the first payment to be made on the first day of ( ), and every subsequent payment on or before the first day of ( ), the first day of ( ), and the first day of ( ), or in default thereof any arrear that may be due will be realized by distress and sale of the moveable property belonging to the defaulter, or which may be found on the holding in respect of which such defaulter is assessed, and by such other proceedings as are allowed by law.

Dated this day of

A. B.,

Chairman of Commissioners.

FORM B.—(*See section* 103.)

Notice to be published of the preparation of the valuation and rating list of holdings.

BENGAL MUNICIPAL ACT, 1876.

Section 103.

MUNICIPALITY OF

Whereas a valuation and rating list of the rate on the annual value of holdings has been deposited in the office of the Commissioners as required by section 103 of "the Bengal Municipal Act, 1876," notice is hereby given that the said list is open to the inspection of all persons desiring to inspect the same at the office of the said Commissioners during office hours on any day not being a close holiday, and that the several owners of the holdings included therein are hereby required to pay the quarterly instalments set opposite to their names with regularity at the office appointed by the Commissioners for the receipt of the same, or to the tax-collector or other officer authorized to receive payment, the first payment to be made on the first day of ( ), and every subsequent payment on or before the first day of ( ), the first day of ( ), and the first day of ( ), and in default thereof, any arrear that may be due will be realized by distress and sale of the moveable property belonging to the defaulter, or which may be found on the holding in respect of which the valuation is made, and by such other proceedings as are allowed by law.

Dated this day of

A. B.,

Chairman of Commissioners.

SECOND SCHEDULE.

FORM A.—(*See section* 111.)

NOTICE OF DEMAND UNDER SECTION 111, BENGAL MUNICIPAL ACT, 1876.

To of

Municipality of

Take notice that the sum of Rs. , being the amount due from you, as shown in the accompanying bill, is hereby demanded from you, and that if you do not within fifteen days pay the same to an officer authorized to receive payment, or into the office of the Municipal

Commissioners, the same with costs will be levied by distress and sale of your goods and chattels, or otherwise as provided by law.

A. B.,
Chairman of

[*The following note will be added at the foot of the above notice in those cases only in which the notice is to be addressed to a person who has not already paid one instalment of the tax at the rate at which the demand is made.*]

Note.—If you have any objection to make against this demand you may, instead of paying the amount which is hereby demanded, present a petition to the Commissioners praying for a review of the amount assessed (or rated). Such petition must be presented within fifteen days of the service of this notice, otherwise it will not be received. If you present such petition, no amount will be levied from you until the Commissioners shall have passed an order on your petition; but after fifteen days from such order, the amount due by you, with such costs as the Commissioners may direct, will be levied, unless it has been previously paid.

Form B.

Table of Fees payable upon Distraints under this Act.

Form B.—(*See section* 112.)

Sums distrained for.	Fee. Rs.	As.
Under 1 Rupee	0	4
1 and under 5 Rupees	0	8
5 " 10 "	1	0
10 " 15 "	1	8
15 " 20 "	2	0
20 " 25 "	2	8
25 " 30 "	3	0
30 " 35 "	3	8
35 " 40 "	4	0
40 " 45 "	4	8
45 " 50 "	5	0
50 " 60 "	6	0
60 " 80 "	7	8
80 " 100 "	9	0
Above 100 "	10	0

The above charge includes all expenses including the service of notice of demand, except when peons are kept in charge of property distrained, in which case three annas must be paid daily for each man. If the amount demanded be paid, or the warrant discharged before the sale is held, so that no sale is necessary, one-fourth of the fees specified in the above table shall be remitted.

Form C.—(*See section* 113.)

Distress Warrant.

Bengal Municipal Act (*Section* 113.)

To (here insert the name of the officer charged with the execution of the warrant).

Whereas of has not paid or shown sufficient cause for the non-payment of the sum of rupees due for taxes (or rates) mentioned in the margin, although the said sum has been

duly demanded in writing from the said , and fifteen days have elapsed since the service of the notice of demand. This is to command you to distrain the moveable property of the said wherever it may be found within the Municipality, except ploughs, plough-cattle, tools, or implements of trade or agriculture, or any other moveable property subject to the same exceptions, which may be found within the holding specified in the margin to the amount of the said sum of

and the further sum of

to defray the charges of taking, keeping, and selling such property; and if within ten days next after such distress the said sum of shall not be paid, to sell the said property, and having paid and deducted out of the proceeds of the sale the said sum of and the charges of taking, keeping, and selling such property, to return the surplus (if any) on demand to the person whom you shall have found in possession of the said property, and if no demand be made, to pay the same to the Commissioners. If distress cannot be made of sufficient property of the said you are to certify the same to us in returning this warrant.

A. B.,

Chairman of

FORM D.—(*See section* 113.)

Form of Inventory and Notice.

BENGAL MUNICIPAL ACT. (*Section* 113.)

(*State particulars of goods seized.*)

Take notice that I have this day seized the property specified in the above inventory for the sum of due for the taxes (or rates) mentioned in the margin, and that unless you pay to me or into the office of the Commissioners of the said sum of , and the further costs of this distraint as specified below, within ten days from the day of the date of this notice, the property will be sold.

(*Signature of the officer executing the warrant of distress.*)

Date

FORM E.—(*See section* 115.)

Register of distraints of property and sales held on account of arrears for the month of in

1. Name of defaulter.
2. Number on register and specification of the holding on account of which the arrear is due.

3. Amount of arrear due.
4. Amount of costs and penalty.
5. Total amount to be realized.
6. Inventory of property seized under distress.
7. Date of distress.
8. Date of sale.
9. Detail of articles sold.
10. Amount realized on each article.
11. Purchaser's name.
12. Total amount realized.
13. Amount paid in to the Commissioners' office on account of the arrear due with date.
14. Amount paid in to the Commissioners' office on account of costs and penalties.
15. Surplus proceeds of sale remaining after deducting the amount of arrears, costs, and penalties due.
16. How the surplus was disposed of, with date of such disposal.
17. Balance of arrear still remaining unrealized, if any.
18. On what date such remaining balance was realized or written off by authority.
19. Remarks (explaining why the property seized was released without sale if not eventually sold, &c., &c.)

THIRD SCHEDULE.

(*See sections* 78 *and* 122.)

Tax on Carriages and Animals.

	Per quarter. Rs.	A.
For every 4-wheeled carriage drawn by two horses ...	4	8
For every 4-wheeled carriage drawn by one horse or a pair of ponies under thirteen hands	3	0
For every 2-wheeled carriage	2	8
For every horse	2	0
For every pony under thirteen hands, and for every mule and donkey	0	12
For every elephant	6	0
For every camel	2	0

Animals under eleven hands in height, and carriages the wheels of which do not exceed wenty-four inches in diameter, are exempted.

FOURTH SCHEDULE.

FORM A.

Requisition to Punchayet.

CHAPTER III, SECTION 330.

(*Here insert the names, places of abode, business, or other description of the punchayet.*)

I do hereby require you, the punchayet appointed under Chapter III of the Bengal Municipal Act, 1876, with all reasonable expedition, within (*here insert a period to be fixed by the Magistrate*) from the date hereof, to make out and forward to me, the undersigned Magistrate of the District of , a fair and equitable assessment upon the several occupiers of houses, shops, and buildings in the Union of for the purpose of raising the sum of rupees required for the maintenance of the police for the year commencing on and other expenses authorized by the said Chapter. You shall regulate and determine the amount of assessment to be levied from every such occupier according to the circumstances and the property to be protected of each person. But the amount assessed in respect of any one house shall not exceed rupees (*here insert the pay of a policeman of the lowest grade*) and the aggregate amount assessed shall not exceed the average rate of two annas per mensem for each house, shop, or building in the district.

If the occupier of any house in the said district shall be unable, on the ground of poverty, to pay the assessment to which he is liable under the said Chapter, you may leave him unassessed, but the property occupied, together with the name and description of such occupier, shall be specified in the list, together with the ground of exemption.

If any house be let out in portions to different persons, or be let out to or occupied by lodgers or travellers, the person who shall so let the same, or who shall receive the rents or payments from such persons or lodgers or travellers, shall be deemed the occupier of such house, and shall be assessed accordingly.

The assessment which you are hereby required to make shall specify the name of every occupier of property liable to be assessed, the name, trade or business or other description of the person assessed, the annual assessment and the quota payable monthly, and may be in the following form or to the like effect:—

Serial No.	Property occupied.	Name of occupier.	Profession or business or other description.	Amount of annual assessment.	Amount of monthly (or quarterly) payment.

Form B.

Assessment.

(*See section* 334.)

An assessment made for the Union of upon the several occupiers of houses and other property in the said district, pursuant to Chapter III of the Bengal Municipal Act, 1876, for the purpose of maintaining the Police for such Union, for cleaning the Union, and for other purposes authorized by the said Act.

Serial No.	Property occupied	Names of occupiers.	Profession or business	Amount of monthly (or quarterly) assessment.

Form C.

Notification.

(*See section* 334.)

Whereas an assessment has been duly made pursuant to Chapter III of the Bengal Municipal Act, 1876, and has been revised and settled by me, the undersigned Magistrate of , and has been deposited in the office of the Magistrate, notice is hereby given that the said assessment is open to the inspection of all persons desiring to inspect the same at the said office during office hours on any day not being a close holiday, and that the several persons whose names are included in the said assessment, are hereby required to pay the monthly (or quarterly) contributions set opposite to their names with regularity to the tax Collector or other person appointed by the Magistrate to receive the same, the first payment on the tenth day of the month succeeding the date of this notification, and every subsequent payment on or before the tenth day of each succeeding month (*if the tax is to be collected quarterly, the months in which the payment is to be made must be specified,*) or in default thereof, any arrear that may be due will be realized by distraint and sale of the personal effects of the defaulter, or of any goods and chattels which may be found on the premises in respect of which such defaulter is assessed, and such other proceedings adopted for the recovery of the same as are allowed by law.

Dated this day of

Magistrate of

FIFTH SCHEDULE.

(*See section* 2.)

PART I.—ACTS OF THE GOVERNOR-GENERAL IN COUNCIL.

Number and year.	Subject.	Extent of repeal.
XXVI of 1850 ...	Improvements in Towns	The whole Act so far as it affects the Provinces subject to the Lieutenant-Governor of Bengal.
XX of 1856 ...	Police chowkeedars in cities, &c, in the Presidency of Fort William in Bengal.	So much as has not been repealed.
XXI of 1857 ...	Order and good government of the Suburbs of Calcutta and the station of Howrah.	Sections 25, 26, 27, 28, 29, 30, 31, 32, 38, 40, 41, 42, 43, 44, 45, 47, 48, 49, 50.
XII of 1858 ...	For raising funds for making and repairing roads in the Suburbs of Calcutta and Howrah.	The whole Act.

PART II.—ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year.	Subject.	Extent of repeal.
III of 1864 ...	District Municipal Improvement Act ...	So much as has not been repealed.
VI of 1867 ...	Regulation of Police in Towns and Municipalities.	The whole Act.
VII of 1867 ...	Amending the District Municipal Improvement Act.	The whole Act.
II of 1868 ...	Amending the District Municipal Improvement Act.	The whole Act.
VI of 1868 ...	District Towns' Act	The whole Act.
VII of 1870 ...	Sanitary condition of Dacca	The whole Act.
II of 1873 ...	Amending District Municipal Improvement and District Towns' Acts.	The whole Act.

SIXTH SCHEDULE.

(*See section* 2.)

Number and year.	Subject.	Extent of repeal.
Bengal Act IV of 1871 .	Sanitation of Pooree and other towns in Orissa, and regulation of Lodging-houses therein.	Sections 24 to 34, both inclusive.

ACT No. VI OF 1876.

(*Received the assent of the Lieutenant-Governor on the 21st April 1876, and of the Governor-General on the 10th July 1876*)

An Act to Provide for inquiry into Disputes regarding Rent, and to prevent Agrarian Disturbances.

Preamble.

FOR the purpose of providing for inquiry into disputes regarding rent, and of preventing agrarian disturbances: It is enacted as follows:—

Short title.

1. This Act may be called the "Agrarian Disputes Act, 1876:"

Local extent.

It extends to all the territories for the time being subject to to the Lieutenant-Governor of Bengal.

Commencement of Act.

It shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General, and shall continue in force for three years from such date.

The Act came into force on the 12th July, 1876, *Calcutta Gazette*, 1876, Part III, p. 335.

Interpretation clause.

2. In this Act, unless there be something repugnant in the subject or context—

"Lieutenant-Governor."

"Lieutenant-Governor" means the Lieutenant Governor of Bengal, or the person acting in that capacity.

"Board."

"Board" means the Board of Revenue for the provinces for the time being subject to the Lieutenant-Governor of Bengal.

"Commissioner."

"Commissioner" means the Commissioner of a Division, and includes any officer whom the Lieutenant-Governor may vest (as he is hereby empowered to do) with all or any of the powers of a Commissioner under this Act.

"The Collector."

"The Collector" means the officer appointed to make the inquiry under this Act.

"Section."

"Section" means a section of this Act.

Lieutenant-Governor may declare provisions of Act to be in force in any tract of country.

3. If it shall appear to the Lieutenant-Governor that a serious dispute exists in any tract of country as to any question in respect of the adjustment of rents, or as to arrears of rents,

and if application shall be made to the Lieutenant-Governor by any person interested in such dispute praying that the Lieutenant-Governor do take action under the powers vested in him by this Act,

the Lieutenant-Governor may, by an order to be published in the *Calcutta Gazette,* declare the provisions of this Act to be in force in such tract, the boundaries of which shall be defined in the said order,

and may direct that inquiry be made for the determination of such dispute by the Collector of the district, or by such other officer as the Lieutenant-Governor may think fit to appoint in that behalf.

Publication of order.

A copy of such order shall be published by being posted up at the Court of every Judge and Munsiff, and at the office of every Collector and Sub-Divisional Officer within whose jurisdiction, and at every police station within the jurisdiction of which, the said tract or any part of it is situated, and in such one or more conspicuous places in the said tract as the Collector may direct.

From the date of the publication of the copy of such order in the office of the Collector of the district, this Act shall be deemed to be in force in such tract until the Lieutenant-Governor shall by notification declare that it is no longer there in force.

Lieutenant-Governor may vest officer with powers of a Deputy Collector.

4. The Lieutenant-Governor may specially vest any officer with the powers of a Deputy Collector under this Act; and any officer so vested may exercise any of the powers, and discharge any of the functions of the Collector under this Act (except in respect of appeals) which he may be required to exercise or to discharge by a general or special order of the Collector.

Lieutenant-Governor to specify matters for inquiry.

5. Whenever the Lieutenant-Governor shall have made an order under section three, the Lieutenant-Governor shall also issue instructions specifying any matters of fact into which the Collector shall inquire, in accordance with the provisions of the said section; and on receipt of such instructions the Collector shall proceed to make the inquiry in accordance therewith.

Collector may allow parties to come before him and make objections.

6. Before proceeding to make such inquiry, the Collector shall publish a notification in the manner provided by clause five of section three, stating the nature of the inquiry to be made, and calling upon all parties who may deem themselves interested therein to appear before him, either in person or by agent, for the purpose of making such representations and advancing such objections as to them may seem fit; and such representations and objections (if any) shall be duly heard and considered by the Collector.

7. For the purpose of such inquiry, the Collector shall have power to summon and enforce the attendance of parties and witnesses, to examine such parties and witnesses, and to compel the production of documents by the same means (as far as may be) and in the same manner as is provided in the case of a Court under the Code of Civil Procedure.

Power to Collector to enforce attendance of witnesses.

8. After making the necessary inquiry, the Collector shall draw up a report stating the result of the inquiry, and his own opinion on each of the matters specified for inquiry under section five, and shall publish a notice in his office stating that any person may take a copy of the said report for the purpose of advancing before the Commissioner any objections thereto which he may think fit, and that such objections must be filed in the office of the Commissioner, or in the office of the Collector for transmission to the Commissioner, within fifteen days of the publication of the said notice.

Collector to draw up report, and to allow persons to take copies of the same.

9. The Collector shall forward such report and copies of any objections which may be filed in his office under the last preceding section to the Commissioner, and the Commissioner, after considering such objections, and causing any further inquiry to be made which he may think fit, shall submit the report of the Collector, with copies of the objections made thereto, and with his own opinion on each of the matters specified for inquiry under section five, to the Board.

Collector and Commissioner to report result of inquiry to Board.

10. After considering the reports and objections submitted by the Commissioner under the last preceding section, the Board shall issue such instructions as to it shall seem fit, not being inconsistent with the provisions of this Act, in respect to the determination of each of the matters specified for inquiry under section five, and the Collector shall make an order determining each of the said matters in accordance with such instructions of the Board.

Board to issue instructions to Collector.

11. On receipt of such instructions the Collector shall publish at his office a notice of such receipt, and from the date of the publication of such notice, and as long as this Act is in force in the tract mentioned in section three, all suits of the nature of those specified in section 23 of Act X of 1859, relating to such tract, shall be instituted before, and, except as hereinafter otherwise expressly provided, be cognizable by the Collector and by no other tribunal.

Suits to be transferred to Collector.

12. As soon as possible after publication of the notice mentioned in the last preceding section, the Collector shall send a copy thereof to every Court which had jurisdiction to entertain such suits immediately before the publication of the said notice.

Collector to send copy of notice to Courts.

13. In the disposal of such suits the Collector shall, as far as possible, follow the procedure prescribed in Act X of 1859, and all powers exercised by a Collector under the said Act may be exercised by the Collector under this Act, provided that all such suits shall be decided by a reference to, and in accordance with, any order of the Collector determining a matter under section ten, in so far as such order may be applicable.

Procedure in suits.

14. The Collector may, with the consent of the parties concerned, refer any such suit to arbitration, and the provisions of *sections 506 to 522 (both inclusive) of the aforesaid Code of Civil Procedure shall, as far as may be practicable, apply to such references.

Power to refer to arbitration.

15. Whenever in any suit instituted under the provisions of this Act it shall appear to the Collector that a ryot having a right of occupancy is liable to enhancement of the rent previously paid by him on the ground that the value of the produce or the productive powers of the land held by him have been increased otherwise than by the agency or at the expense of the ryot;

Rules for determining rate of rent.

or whenever in any such suit it shall appear to the Collector that such ryot is entitled to claim an abatement of the rent previously paid by him on the ground that the value of the produce or the productive powers of the land held by him have been decreased by any cause beyond the powers of the said ryot,

the Collector shall, if possible, fix the rate of rent payable by such ryot, so that the rent previously paid by such ryot shall bear to the rent so fixed the same proportion as the former value of the produce of the soil, calculated on an average of three or five years next before the date of the alleged rise or decrease in value, bears to the present value of such produce;

but if in any such suit the Collector shall not be able to ascertain to his satisfaction the former value of the produce as required for the application of the above rule,

the Collector may, if he think proper so to do, determine the rate of rent payable by such ryot according to any of the following methods :—

---

* Act No. X of 1877, section 3, para. 2.

(*a*) by fixing the rent of the ryot so that it shall represent such portion of the existing average gross value of the produce of the land held by him as the Collector shall consider fair and equitable with reference to the circumstances of each case;

(*b*) by fixing the rent of the ryot so that it shall represent such portion of the average net profits of the land held by him (after deducting from the average gross annual value of the produce of such lands such a sum as may be deemed proper on account of costs of production and disposal of such produce) as the Collector shall consider fair and equitable with reference to the circumstances of each case;

(*c*) by taking as the standard of comparison the rates which are generally paid in adjacent places by ryots having no right of occupancy, or in such places as the Collector may select, for lands of a similar description and having similar advantages; and by fixing the rates of rent to be paid by the ryot having a right of occupancy at such percentage below the rent which would be paid for the same lands by ryots having no right of occupancy as the Collector may consider fair and equitable with reference to the circumstances of each case.

Suit may be brought by or against any number of ryots collectively.

16. In every suit under this Act of the nature of those specified in the first, second, third, and fourth clauses of section 23 of Act X of 1859, any number of ryots or other tenants may be sued, or may sue collectively, and it shall be no ground for dismissing or refusing to hear the application that such ryots or other tenants are wrongly joined as plaintiffs or defendants, provided all such ryots or tenants hold land in the same estate;

but no order shall be passed in such case unless the officer making such order is satisfied that all parties have had an opportunity to appear and make objection to any claims preferred against them;

and if at any time it shall appear to the Collector that the question between any two of the parties of whom one is so joined with others cannot conveniently be so jointly tried, the Collector may order a separate trial to be held.

Order to specify how far it applies to each ryot.

17. Every order passed in any such case as is mentioned in the first clause of the last preceding section, shall specify the extent to which each of the ryots or other tenants named in the order shall be affected thereby.

Rate of rent once fixed under Act, to be fixed for five years.

18. Every decree of a Collector under this Act in any suit of the nature of those specified in the first clause of section 23 of Act X of 1859 shall have effect, and the rates of rent determined by such decree shall be payable from

the beginning of the year in which such suit was instituted (such year being computed according to the era in force in the aforesaid tract), or from such later date as the Collector may fix; and the rates of rent so determined shall not be liable to abatement or enhancement for five years from the first day of the year in which the decree may have effect as provided in this section, or, in case any part of the tract is comprised within a temporarily-settled estate, until the conclusion of the period of the settlement with Government under which such estate is held, if such period expires before the lapse of five years as aforesaid;

provided that, during the currency of the term for which the rent has been fixed as aforesaid, any person may bring a suit to enhance the rent of any ryot or tenant whose rent has been so fixed, on the ground that the area of the ryot's or tenant's holding has been increased by alluvion or otherwise, and on no other ground.

And any ryot or tenant may, during the said period, bring a suit for abatement of his rent which has been so fixed, on the ground that the area of the land held by him has been diminished by diluvion or otherwise, and on no other ground.

Collector may refer suit to Civil Court.

19. Notwithstanding anything contained in this Act, if it shall appear to the Collector that any suit which is pending before him involves any question relating to the title of land or to some interest in land, as between parties having conflicting claims thereto, or any other question which can more properly be decided by a Civil Court, or, in districts in which Act X of 1859 is in force, by a Revenue Court under that Act, the Collector may transfer such suit to a Civil Court or Revenue Court (according to whether such Civil Court or such Revenue Court would have had jurisdiction in the matter if this Act had not been passed); and such Court shall thereupon proceed to deal with the suit as if this Act had not been passed, and as if the suit had originally been instituted before such Court.

Collector may decide question before transferring suit to Civil Court.

20. If such suit involves a question of rent or any other question which may properly be settled by the Collector under this Act, as well as a question which may more properly be decided by such Civil Court or Revenue Court, the Collector may decide the former question under this Act before transferring the suit to such other Court; and such decision shall be subject to the provisions of this Act in respect of appeals, and the Civil Court or Revenue Court shall be bound to give the final decision in the suit in accordance with the decision of the Collector or of the appellate authority under this Act on such question, so far as such decision is applicable.

21. Every order and decree of a Collector under this Act may be enforced by the same means and in the same manner as if such order or decree were an order or decree to the same effect made under Act X of 1859.

Enforcement of decisions.

22. Notwithstanding that the Lieutenant-Governor may have issued a notification as provided in section three declaring this Act to be no longer in force in any tract, the Collector shall proceed to decide all suits pending before him on the date of issue of such notification as if no such notification had been issued; and in respect of all such suits and of all other matters and suits which may be pending before the Board, the Commissioner, or the Collector on the date of the issue of such notification, the said Board, Commissioner, and Collector shall, until such matters or suits are finally decided or disposed of, exercise the same powers with respect thereto as if such notification had not been issued.

Powers of Collector after withdrawal of Act.

23. No suit to contest any order or judgment of any officer under the provisions of this Act shall be instituted before any Court or tribunal otherwise than as provided in this Act.

Suit to contest order or decree under this Act.

24. In the performance of their duties under this Act, the Deputy Collectors shall be subject to the general control and direction of the Collector, the Collector to the general control and direction of the Commissioner, and all officers to the general control and direction of the Board.

Control and supervision of Commissioner and Board.

25. An appeal shall lie to the Collector against every order and judgment of a Deputy Collector under this Act, except as hereinafter otherwise provided; but no appeal shall lie against any order or judgment of the Collector under this Act except as hereinafter expressly provided.

Appeal to and from Collector.

26. In suits of the nature of those specified in clauses two, four, and seven of section 23 of Act X of 1859, when such suits have been tried and decided by the Collector, if the amount sued for, or the value of the property claimed, does not exceed one hundred rupees, the judgment of the Collector shall be final and not open to revision or appeal, unless in any such suit a question of right to enhance or otherwise vary the rent of a ryot or tenant, or any question relating to a title to land, or to some interest in land as between parties having conflicting claims thereto, has been determined by the judg-

No appeal from any decree of Collector for money below Rs. 100, unless the decision involve some question of right to enhance rents or some question relating to a title to land.

ment, in which case the judgment shall be open to appeal in the manner provided in section twenty-nine.

The provisions of section 154 of Act X of 1859 shall apply to all suits in which the judgment of the Collector is final.

No appeal to lie against judgment declaring arrear due unless arrears have been paid.

27. Notwithstanding anything contained in this Act, no appeal shall lie against any order declaring arrears of rent to be due and directing that such arrears be paid, unless such appeal shall be accompanied by the certificate of the Collector that the amount of such arrears has been paid to the Collector; and on payment of such amount, the Collector, if required so to do by the person making such payment, shall be bound to grant such certificate, and to hold the amount in deposit until the appeal shall have been disposed of, or until the period for making such appeal shall have expired.

Appeal against judgment of Deputy Collector.

28. When any such suit as is mentioned in section twenty-six in which, if tried and decided by the Collector, the judgment of the Collector would be final, is tried and decided by a Deputy Collector, an appeal from the judgment of the Deputy Collector shall lie to the Collector, and the provisions of sections 157 to 159 (both inclusive) of the said Act X of 1859 shall apply to such appeals.

In what suits appeal to lie to Commissioner and to Board.

29. In all suits other than those in which when tried and decided by a Collector, the judgment of the Collector is final as aforesaid, or when tried and decided by a Deputy Collector, an appeal is allowed to the Collector, an appeal from the judgment of the Collector or Deputy Collector shall lie to the Commissioner, and the decision of the Commissioner shall be final, unless the amount or value in dispute exceed five thousand rupees, in which case an appeal from the Commissioner's decision shall lie to the Board.

Time for presenting appeals from orders.

30. Every appeal against the order of a Deputy Collector shall be presented to the Collector within fifteen days, and every appeal against the order of a Collector shall be presented to the Commissioner, or to the Collector for transmission to the Commissioner, within thirty days of the date of the order appealed against.

Every appeal against the order of a Commissioner shall be presented to the Board, or to the Commissioner for transmission to the Board, within sixty days of the date of the order appealed against.

Orders passed in appeal by a Commissioner or a Collector shall not be open to any further appeal, except as hereinbefore provided: but the Board or the Commissioner may at any time call for any case, and pass such order thereon as they may think proper.

THE LAND REGISTRATION ACT, 1876.

CONTENTS.

PREAMBLE.

PART I.

PRELIMINARY.

SECTION.

1.—Commencement.
2.—Regulations repealed.
3.—Interpretation clause.

PART II.

REGISTERS TO BE KEPT UP BY THE COLLECTORS.

4.—Collector to keep registers.
5.—Form, language, character, and arrangement of registers.
6.—General Register of revenue-paying lands.
7.—Part I of the General Register.
8.—Part II of the General Register.
9.—General Register of revenue-free lands.
10.—Part I of the General Register of revenue-free lands.
11.—Part II of the General Register of revenue-free lands.
12.—Part III of the General Register of revenue-free lands.
13.—Board may direct that three last sections shall not apply to any district.
14.—Mouzahwar Register.
15.—Mouzahwar Register to be arranged according to local divisions.
16.—Intermediate Registers.
17.—Division of the Intermediate Register.
18.—Part I of the Intermediate Register.
19.—Part II of the Intermediate Register.

PART III.

PREPARATION AND MAINTENANCE OF THE REGISTERS.

20.—Old registers to be in force till new registers prepared.
21.—How registers to be prepared.
22.—Board may order new registers to be prepared.
23.—Entry of estate on any part of a General Register.
24.—Entry of mouzah under local division of Mouzahwar Register.
25.—Entries made under two preceding sections to be in chronological order.

26.—Note to be made on General Register of revenue-paying lands.
27.—Note to be made on General Register of revenue-free lands.
28.—Collector, after making inquiry, may make change in his register.
But notice must be given to person affected.
29.—Collector may, in certain cases, order name of proprietor to be struck out of the register.
30.—Information to be supplied to Collector.
31.—Penalties for failing to give notice or furnish information.
32.—When register may be altered on order of Civil Court.
33.—Certain lands held without payment of rent deemed to be part of certain estates.
34.—Collector may include any lands in an estate.
35.—Collector may register lands as a revenue-free estate and call on proprietor to apply for registration.
36.—Board may decide what lands to be included in each revenue-free property.
37.—Collector may serve notice for inclusion of any land in a revenue-free property.

PART IV.

Registration and Mutation of Names.

38.—Proprietor and manager to register within specified time.
39.—Lieutenant-Governor may fix date before which proprietor and manager must apply for registration.
40.—Lieutenant-Governor may fix different dates in respect of different estates.
No penalty to be incurred until after six months from publication of notice.
41.—Publication of date fixed by Lieutenant-Governor.
42.—Persons succeeding to proprietary right in, or management of, estates to give information within six months.
43.—Lieutenant-Governor may exempt certain proprietors from obligations imposed by this Act.
44.—Mortgagee may apply for registration.
45.—Presentation of application.
46.—Joint proprietor and manager to specify extent of interest of each person for whom he manages.
47.—If application is for registration as manager appointed by authority, Collector shall register name of applicant on proof of appointment.
48.—Otherwise Collector shall issue notice.
49.—Publication of notice.
50.—Service of notice on alleged transferor.

51.—Irregularity in publication or service of notice not to affect validity of proceedings.
52.—Inquiry by Collector.
53.—Power to summon witnesses and compel production of documents.
54.—Payment of costs.
55.—Dispute as to possession, succession, or acquisition by transfer.
Procedure when a portion of interest only is disputed and the rest not.
56.—In cases of disputed possession, etc., Collector may appoint receiver.
57.—Effect of Collector's order under first clause of section 55.
58.—Procedure on making a reference under section 55.
59.—Procedure on receipt of reference.
60.—Judge may appoint curator.
61.—Costs.
62 —Summary decision of Court to be final.
63.—Court to certify its determination to Collector.
64.—Collector to levy fees on transfers.
65.—Penalty for omitting to comply with provisions of Act.
66.—Fine may be levied notwithstanding appeal.
Report to Commissioner when fine reaches a certain amount.
67.—No penalty on person who applies *suo motu*.
68.—Liabilities of proprietors and managers.

PART V.

Opening of separate accounts in respect of Shares.

69.—No separate account to be opened otherwise than in accordance with registered interest.
70.—Proprietor holding undivided interest in specific lands may apply for separate account.
71.—Sections 12, 13, and 14 of Act XI of 1859 applicable.
72.—Application to close a separate account.
73.—Separate account may be closed and another opened.
74.—Procedure in case of objection.

PART VI.

Miscellaneous.

75.—Collector must furnish extract from register.
76.—When Collector must furnish translation of extract.
77.—Notification of changes in registers.
78.—No person bound to pay rent to unregistered claimant or rent in excess of recorded interest of claimant.
79.—Indemnity to persons paying rent to registered proprietor, manager, or mortgagee.

80.—Collector may pay certain sums due to recorded proprietors in accordance with registered interests of each.
81.—Saving of written contracts and recovery from person receiving money.
82.—Every amount due deemed to be a demand under Bengal Act VII of 1868.
83.—Collector may require proprietor to name estate.
84.—Collector may delegate duties.
85.—Appeals from officer below Collector to Collector.
From Collector to Commissioner.
Time for appeals.
Revision by Commissioner and Board.
86.—Exclusion of time in respect of appeals.
87.—Lieutenant-Governor may vest officer with special appellate powers.
88.—Board may make certain rules.
89.—Saving clause.

ACT No. VII OF 1876.

(Received the assent of the Lieutenant-Governor on the 22nd July 1876, and of the Governor-General on the 9th August 1876).

An Act to provide for the Registration of revenue-paying and revenue-free lands, and of the proprietors and managers thereof.

Preamble.

WHEREAS it is expedient to make better provision for the preparation and maintenance of Registers of revenue-paying and revenue-free lands, and of the proprietors and managers thereof, and of certain mortgages of revenue-paying land; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Commencement.

1. This Act may be called the "Land Registration Act, 1876," and it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General, which date is hereinafter referred to as the commencement of this Act.

The Act came into force on the 23rd of August 1876.—*Calcutta Gazette*, 1876, Part III., p. 347. It is in force in the Sonthal Pergunnahs.—*Calcutta Gazette*, 1876, p. 1221.

2. From the commencement of this Act, the Regulations mentioned in the schedule hereto annexed, to the extent specified in the third column thereof, shall cease to have effect in the provinces subject to the Lieutenant-Governor of Bengal.

Regulations repealed.

3. In this Act—unless there be something repugnant in the subject or context—

Interpretation clause.

(1) "Civil Court" means any Civil Court which is competent to hear and determine the matter with respect to which the words are used:

"Civil Court."

(2) "Estate" includes

"Estate."

(*a*) any land subject to the payment of land revenue, either immediately or prospectively, for the discharge of which a separate engagement has been entered into with Government:

(*b*) any land which is entered on the revenue-roll as separately assessed with land revenue (whether the amount of such assessment be payable immediately or prospectively), although no engagement has been entered into with Government for the amount of revenue so separately assessed upon it as a whole:

(*c*) any land being the property of Government of which the Board shall have directed the separate entry on the General Register hereinafter mentioned.

(3) "Extent of interest" means the share or interest in an estate or revenue-free property of which the person with respect to whom the words are used is in possession as proprietor or manager.

"Extent of interest."

(4) "Lieutenant-Governor" means the Lieutenant-Governor of Bengal for the time being, or the person acting in that capacity.

"Lieutenant-Governor."

(5) "Local Division" means a sub-division, pergunnah, thanah, police, division of jurisdiction, or other division according to which the Mouzahwar Register of the district is arranged.

"Local Division."

(6) "Manager" means every person who is appointed by the Collector, the Court of Wards, or by any Civil or Criminal Court to manage any estate or revenue-free property or any part thereof, and every person who is in charge of an estate or revenue-free property or any part thereof on behalf of a minor, idiot, or lunatic, or on behalf of a religious or charitable foundation.

"Manager."

(7) "Mouzah" includes every village, hamlet, tolah, and other similar sub-division of land commonly in use in any district, by whatever name such sub-division may be known.

"Mouzah."

(8) "Proprietor" means every person being in possession of an estate or revenue-free property, or of any interest in an estate or revenue-free property, as owner thereof; and includes every farmer and lessee who holds an estate or revenue-free property directly from or under the Collector.

"Proprietor."

(9) "Recorded Proprietor" means any proprietor whose name, and the character and extent of whose interest in an estate or revenue-free property, stand registered in any General Register now existing or hereafter to be made under this Act.

"Recorded Proprietor."

(10) "Revenue-free Property" means any land not subject to the payment of land revenue which is included under one entry in any part of the General Register of revenue-free lands.

"Revenue-free Property."

"Section."

(11) "Section" means a section of this Act.

(12) "The Board" means the Board of Revenue of the Provinces for the time being subject to the Lieutenant-Governor of Bengal.

"The Board."

"The Collector."

(13) "The Collector" means the Collector of the District to which a Register relates.

"The District."

(14) "The District" means the District to which a Register relates.

PART II.

Registers to be kept up by the Collector.

Collector to keep Registers.

4. The Collector of every District shall prepare and keep up the following Registers:—

A.—A General Register of revenue-paying lands.

B.—A General Register of revenue-free lands.

C.—A Mouzahwar Register of all lands revenue-paying and revenue-free.

D.—An Intermediate Register of changes affecting entries in the General and Mouzahwar Registers.

5. The Register shall be written in such forms, language, and character, and shall be arranged in such manner not being inconsistent with the provisions of this Act, as the Board from time to time may direct for each district.

Forms, language, character, and arrangement of registers.

The entries in each Part of the General Registers shall be numbered in one consecutive series for the whole district, and shall follow one alphabetical arrangement, running from the beginning to the end of the Part.

General Register of revenue-paying lands.

6. The General Register of revenue-paying lands shall consist of two Parts :—

Part I.—Book of estates borne on the revenue-roll of the District.

Part II.—Book of lands situated in the district appertaining to estates borne on the revenue-rolls of other districts.

Part I of the General Register.

7. In Part I of the General Register of revenue-paying lands shall be entered the name of every estate which is borne on the revenue-roll of the district, and the following particulars relating to every such estate :—

(*a*) name of the estate;

(*b*) number of the estate on the revenue-roll of the district, and the annual amount of revenue for which it is liable;

(*c* names and addresses of the proprietors, managers, and mortgagees of the estate, with the character and extent of the interest of each proprietor, manager, and mortgagee;

(*d*) name of every local division in which any lands of the estate are situated, whether in the district, or in any other district, with specification under each local division of

(i) the number of mouzahs containing such lands,

(ii) the name of each mouzah,

(iii) the number which each mouzah bears under the local division in the Mouzahwar Register, and

(iv) the area of land appertaining to the estate which each mouzah contains, if ascertained by survey or other authentic measurement;

(*e*) reference to entries made in the Intermediate Register after the preparation of the General Register.

Part II of the General Register.

8. In Part II of the General Register of revenue-paying lands shall be entered the name of every estate which comprises lands situated in the district, but which is borne on the

revenue-roll of some other district, and the following particulars relating to every such estate :—

(*a*) name of the estate ;

(*b*) name of the district on the revenue-roll of which the estate is borne, with the number which the estate bears on that roll, the annual amount of revenue for which it is liable, and the number which the estate bears in Part I of the General Register of revenue-paying lands for its own district;

(*c*) names and addresses of the proprietors, managers, or mortgagees of the estate, with the character and extent of the interest of each proprietor, manager, and mortgagee;

(*d*) name of every local division of the district to which the Register relates, in which any lands of the estate are situated, with a specification under each local division of

(i) the number of mouzahs containing such lands,

(ii) the name of each mouzah,

(iii) the number which each mouzah bears under the local division in the Mouzahwar Register of the district, and

(iv) the area of land appertaining to the estate which each mouzah contains, if ascertained by survey or other authentic measure ment;

(*e*) reference to entries made in the Intermediate Register after the preparation of the General Register.

General Register of revenue-free lands.

9. The General Register of revenue-free lands shall consist of three Parts :—

Part I.—Book of lands held exempt from revenue in perpetuity.

Part II.—Book of lands occupied for public purposes without payment of revenue.

Part III.—Book of unassessed waste lands and other lands not included in Part I or Part II of the General Register of revenue-free lands.

Part I of the General Register of revenue-free lands.

10. In Part I of the General Register of revenue-free lands shall be entered all lands held under badshahi, hukami, and other lakhiraj grants which have been declared to be valid by competent authority,

all lands in which the Government has conferred a proprietary title free in perpetuity from any demand on account of land revenue, in consideration of the payment of a capitalized sum, or for any other reason,

and any lands of which the Board, on a full report of the circumstances of the case, shall have sanctioned the entry in this part of such Register.

Part I of such Register shall, as far as possible, contain the following particulars in respect of each entry :—

(*a*) name of the revenue-free property with the character of the tenure—whether jaghir, altumgah, devatter, bishanpirit, purchased revenue-free, redeemed, or otherwise ;

(*b*) date of the grant or title being conferred ;

(*c*) nominal area granted ;

(*d*) names of the grantor and original grantee ;

(*e*) reference to any decree or other order of competent authority declaring or recognizing the grant to be valid ;

(*f*) names and addresses of the proprietors and managers of the revenue-free property, with the character and extent of the interest of each proprietor and manager ;

(*g*) name of every local division in which any land appertaining to the property is situated, whether in the district, or in any other district, with specification under each local division of

(i) the number of mouzahs containing such land,

(ii) the name of each mouzah,

(iii) the number which each mouzah bears under the local division in the Mouzahwar Register, and

(iv) the area of land appertaining to the revenue-free property which the mouzah contains, if ascertained by survey or other authentic measurement, with specification of the number of each field according to the papers of such measurement ;

(*h*) reference to the entries in earlier Registers relating to the property or any part thereof ;

(*i*) reference to entries made in any Intermediate Register after the preparation of the General Register.

Part II of the General Register of revenue-free lands.

11. In Part II of the General Register of revenue-free lands shall be entered all lands which are occupied by the Government, or by any public body, for public purposes and on account of which no land revenue is demanded.

It shall contain the following particulars :—

(*a*) area of the land comprised in each entry ;

(*b*) names of the local divisions and mouzahs in which the lands are situated, with area in each mouzah, and a reference to the number under which each mouzah is entered in the Mouzahwar Register of the local division;

(*c*) name of the department of Government or of the public body by which the land is occupied;

(*d*) the purpose for which it is occupied;

(*e*) the date and particulars of the appropriation of the land to such purpose ;

(*f*) reference to entries in the Intermediate Register made after the preparation of the General Register.

Part III of the General Register of revenue free lands.

12. In Part III of the General Register of revenue-free lands shall be entered all waste and other lands (not being included in any other part of the General Register) which are not assessed to land revenue. It shall contain the following particulars ;—

(*a*) name and number of the lot, or other particulars identifying the property ;

(*b*) area comprised in each entry ;

(*c*) name of every local division and mouzah in which lands of the property are situated, with area in each mouzah, and a reference to the local division and number under which each mouzah is entered under the local division on the Mouzahwar Register;

(*d*) reference to entries in the Intermediate Register made after the preparation of the General Register.

Board may direct that three last sections shall not apply to any district.

13. If it shall appear to the Board that the circumstances of any district are such that it is not desirable or practicable to prepare the Register of revenue-free lands in the manner described in the three last preceding sections, the Board may direct that the said sections shall not apply to such district and may lay down rules, not being inconsistent with the provisions of this Act, in respect of the registration of revenue-free lands and of the proprietors and managers thereof ; provided that such rules shall require the registration of the name of one or more persons as liable for the discharge of the duties and obligations referred to in section sixty-eight, in respect of all lands which under such rules may be registered as separate revenue-free properties.

Such rules, when they shall have been sanctioned by the Lieutenant-Governor and published in the *Calcutta Gazette*, and otherwise locally as the Lieutenant-Governor may order, shall, from such date as the Lieutenant-Governor may direct, have the same force as if they were included in this Act.

Mouzahwar Register.

14. The Mouzahwar Register shall be kept up for the purpose of showing, in a connected form, the mouzahs situated in each local division, and the lands, whether revenue-paying or revenue-free, of which each mouzah consists.

Mouzahwar Register to be arranged according to local divisions.

15. The Mouzahwar Register shall be arranged and divided according to sub-divisions, pergunnahs, thanas, police jurisdictions, or such other local divisions of the district as the Board may from time to time direct for each district; the entries of mouzahs shall have a separate series of consecutive numbers, and a separate alphabetical arrangement for each local division.

The Mouzahwar Register shall contain the following particulars :—

(*a*) name of the mouzah;

(*b*) total area of mouzah if ascertained by survey or other authentic measurement, with a reference to the authority for the entry;

(*c*) name of every estate or revenue-free property to which any of the lands of the mouzah appertain, with a reference to the entry of each on the General Register, and a specification of the area of land in the mouzah which appertains to each, if ascertained by survey or other authentic measurement, with a reference to the authority for such entry;

(*d*) gross rental of the area of land in the mouzah which appertains to each estate or property, if such rental has been ascertained, during management of the lands, by the Collector or by other authentic means, with a reference to the authority for the entry;

(*e*) reference to entries made in Intermediate Registers after the preparation of the Mouzahwar Register.

Intermediate Registers.

16. Intermediate Registers shall be kept up for the purpose of recording therein from time to time changes affecting the entries which stand in the General and Mouzahwar Registers, so that by a reference to them, in connection with those registers, correct information up to date on the points recorded may be obtained at any time; also for the purpose of keeping together, as far as possible, in a convenient form, the information which will eventually be required for re-writing the General and Mouzahwar Registers.

Division of the Intermediate Register.

17. The Intermediate Register shall consist of two parts, as follows :—

Part I.—Book of changes affecting entries relating to revenue-paying lands.

Part II.—Book of changes affecting entries relating to revenue-free lands.

Part I of the Intermediate Register.

18. In Part I of the Intermediate Register shall be recorded in a convenient form all changes in the names of proprietors, managers, and (so far as this Act requires) mortgagees, and in the character or extent of the interest of each such proprietor, manager, and mortgagee, and such other changes affecting any entry standing in the General Register of revenue-paying lands, or any entry in the Mouzahwar Register relating to revenue-paying lands as cannot conveniently be entered against such entry in the General or the Mouzahwar Register. It shall contain the following particulars :—

(*a*) name of the estate affected with references to the number it bears on the General Register of revenue-paying lands, the number it bears on the revenue-roll, and the amount of revenue for which it is liable;

(*b*) references to previous entries in the Intermediate Register relating to the estate;

(*c*) particulars of the change, with a reference to the authority under which it is made;

(*d*) the numbers borne by the entries in each part of the General Register of revenue-paying lands, and under each local division in the Mouzahwar Register, which are affected by the change here recorded.

Part II of the Intermediate Register.

19. In Part II of the Intermediate Register shall be recorded all changes in the names of proprietors and managers of revenue-free properties, and in the character and extent of interest of each such proprietor and manager, and such other changes affecting any entry standing in the General Register of revenue-free lands, or any entry relating to revenue-free lands in the Mouzahwar Register as cannot conveniently be entered against such entry in the General or the Mouzahwar Register. It shall contain the following particulars :—

(*a*) name and character of the revenue-free property to which the lands appertain, and number which it bears in any part of the register of revenue-free lands;

(*b*) reference to previous entries in the Intermediate Register relating to the property ;

(*c*) particulars of the change, with reference to the authority under which it is made

(*d*) the numbers borne by the entries in the General Register and under each local division in the Mouzahwar Register which are affected by the change here recorded.

PART III.

Preparation and Maintenance of the Registers.

Old registers to be in force till new registers prepared.

20. Until the registers by this Act directed to be prepared are so prepared, the existing registers now kept up in the office of every Collector shall be deemed to be the registers kept up under this Act, that is to say—

The existing General Register of revenue-paying estates shall be deemed to be the General Register of revenue-paying lands.

The existing Pergunnah Register (Part II) of revenue-free lands shall be deemed to be the General Register of revenue-free lands, and the Mouzahwar Register in respect of revenue-free lands.

The existing Pergunnah Register (Part I) of revenue-paying lands shall be deemed to be the Mouzahwar Register in respect of revenue-paying lands.

The existing register of intermediate mutations shall be deemed to be the Intermediate Register of changes affecting entries in the General and Mouzahwar Registers.

And all the provisions of this Act shall, as far as possible, be deemed to be applicable to such registers and to the registration therein of the names and interests of proprietors, managers, and mortgagees.

How registers to be prepared.

21. The first General Registers and the first Mouzahwar Register under this Act shall be prepared for each district at such time as the Board may direct from the entries in the existing registers mentioned in the last preceding section, and from any other authentic information available to the Collector.

Board may order new registers to be prepared.

22. The Board may order new registers to be prepared whenever it may think fit, and such registers shall be prepared from the registers existing at the time of such order, and from the entries of subsequent changes in the Intermediate Registers, and from any other authentic information available to the Collector ; and such additions to, omissions from, and alterations in, the entries as they appeared

in the previous registers, shall be made as subsequent changes have rendered necessary, and the authority for every change shall be expressly referred to.

Entry of estate on any part of a General Register.

23. Whenever, after the preparation of the General Registers, it may be necessary to bring any estate or revenue-free property on to any part of such registers on which such estate or property is not already borne, such estate or property shall be at once brought on to such part under a new number, in continuation of the last number already borne on such part; and a note referring to such entry shall be made in the place in the General Register in which such estate or property would have appeared according to the alphabetical arrangement mentioned in section five.

*Entry of mouzah under local division of Mouzahwar Register.

24. Whenever, after the preparation of the Mouzahwar Register, it shall be necessary to enter any mouzah under any local division of such register under which it is not already borne, such mouzah shall be at once brought under the proper local division with a new number, in continuation of the number borne by the last entry under such local division; and a note referring to such entry shall be made in the place in the Mouzahwar Register in which such estate or property would have appeared according to the alphabetical arrangement mentioned in section fifteen.

Entries made under two preceding sections to be in chronological order.

25. All new entries made in the General and Mouzahwar Registers after their preparation, as prescribed in the two last preceding sections, shall be made in chronological order.

Note to be made on General Register of revenue-paying lands.

26. After the General Register of revenue-paying lands shall have been prepared, a note shall from time to time be made on such register against the estate affected

of every alteration which may be ordered by competent authority in the amount of revenue assessed on any estate;

of every partition of an estate into two or more estates;

of every change involving the removal of an estate from the part of the register on which it is borne;

of the redemption of every mortgage in respect of which the name of the mortgagee shall have been entered on the register;

and in every such note reference shall be made to the authority under which the change was made.

In preparing the register space shall be left for the future entry of such notes against each estate.

Any other changes affecting the entries as they stand in the register may be recorded in Part I of the Intermediate Register, as provided in section eighteen, and a reference shall be made in the General Register against the estate affected to every entry which may be made in the Intermediate Registers recording any such change.

Note to be made on General Register of revenue-free lands.

27. After the General Register of revenue-free lands shall have been prepared, a note shall from time to time be made on such register against the property affected

of every case in which lands entered as revenue-free may be declared liable to assessment, and assessed by competent authority;

of every partition of a revenue-free property into two or more properties;

of every change involving the removal of a revenue-free property from the part of the register on which it is borne;

and in every such note reference shall be made to the authority under which the change was made.

In preparing the register space shall be left for the future entry of such notes against each estate.

Any other changes affecting the entries as they stand on the register may be recorded in Part II of the Intermediate Register, as provided in section nineteen.

Collector, after making inquiry, may make change in his Register.

28. Whenever it shall come to the notice of the Collector that any change has occurred which affects any entry in his registers, and renders necessary any alteration therein, the Collector, after making such inquiry as may be necessary, shall make such alteration:

But notice must be given to person affected.

provided that notice shall be given to the recorded proprietors and managers of any estate or revenue-free property before any change is made in any way affecting such estate or property, and to every person whose name the Collector is about to register as proprietor or manager of any estate or revenue-free property, before such registration is effected; and any objections which may be made to the proposed change or registration shall be duly considered by the Collector before he orders such change or registration to be made.

Collector may in certain cases order name of proprietor to be struck out of the Register.

29. Whenever it shall appear to the Collector, in the course of an inquiry made in respect of an application under section thirty-eight or section forty-two, or otherwise, that any person whose name is recorded in the General Register as proprietor or manager, or joint proprietor or joint

manager of an estate or revenue-free property, is no longer in possession of any interest in such estate or property as proprietor or manager, and that the names of other persons have been recorded as proprietors or managers of every portion of the interest in respect of which such proprietor's or manager's name was borne on the register, the Collector may order the name of such person to be struck out from among the recorded proprietors or managers of such estate or property, and, if required, may grant him a certificate to that effect.

Information to be supplied to Collector.

30. To enable the Collector more effectually to maintain his registers,

(*a*) whenever any competent authority may direct that any estate be transferred from the revenue-roll of one district to that of another, the Collector of the district from the revenue-roll of which the estate is to be transferred shall transmit to the Collector of the district to the revenue-roll of which the transfer is to be made, a copy of all entries in any of the registers relating to the estate to be so transferred, and entries taken from such copy shall be made in the proper registers of the district to which the transfer is made.

(*b*) Whenever the Collector of any district shall make an entry, or any alteration of any entry, in his registers, which will affect any entry required to be made under this Act in any register of another district, such Collector shall transmit to the Collector of such other district copy of such entry as made or as altered, and the Collector to whom such copy is transmitted shall cause the necessary entries, or alteration of entries, to be made in the registers of his district.

(*c*) Every proprietor and manager of an estate or revenue-free property in which any new village may be established, whether under the name of tolah, kismat, or any other designation, shall forthwith give notice to the Collector of the establishment of such new village;

provided that the Board may exempt any district or part of a district from the operation of this clause.

(*d*) Every proprietor and manager of an estate or revenue-free property, and any person holding any interest in land, or employed in the management of land, shall be bound, on the requisition of the Collector, to furnish any information required by the Collector for the purpose of preparing, making, or correcting any entry of the particulars specified in section seven, eight, ten, eleven, twelve, or fifteen, or to show to the satisfaction of the Collector that it is not in his power to furnish the required information.

Such requisition shall be made by a notice to be served in the manner prescribed by section fifty, requiring the production of such information before a date mentioned in such notice.

Penalties for failing to give notice or furnish information.

31. Whoever, being bound by clause (*c*) of the last preceding section to give notice to the Collector of the establishment of any new village, or under clause (*d*) of the said section to furnish any information required by the Collector, shall voluntarily or negligently omit to give such notice or furnish such information, or to show to the satisfaction of the Collector that it is not in his power to furnish such information, shall be liable to such fine as the Collector may think fit to impose not exceeding one hundred rupees for such omission, and the Collector may impose such further daily fine as he may think proper, not exceeding fifty rupees, for each day during which such person shall omit to furnish the information required under clause *(d)* after a date to be fixed by the Collector in a notice warning the person required to furnish such information that such further daily fine will be imposed.

Such notice shall be served in the manner prescribed by section fifty, and the date fixed by such notice shall not be less than fifteen days after service thereof.

The Collector may proceed from time to time to levy any amount which has become due in respect of any fine imposed under this section, notwithstanding that an appeal against the order imposing such fine may be pending;

provided that whenever the amount levied under any such order shall have exceeded five hundred rupees, the Collector shall report the case especially to the Commissioner of the Division, and no further levy in respect of such fine shall be made otherwise than by authority of the said Commissioner.

When register may be altered on order of Civil Court.

32. Whenever any Civil Court makes a decree confirming any transfer of proprietary possession which has already been made in any estate or revenue-free property, or gives effect to any decree transferring any such possession, such Court may order the transfer to be registered in the registers of the Collector, and the Collector shall register such transfer accordingly.

Certain lands held without payment of rent deemed to be part of certain estates.

33. All lands which are held without payment of rent, not being a revenue-free property entered in the General Register of revenue-free lands as prescribed by section ten, eleven, or twelve, and not being a part of any such property, shall, for the purposes of this Act, be deemed to be a part of the estate within the local boundaries of which they are included;

and if they are not included within the local boundaries of any one estate, then to be a part of such neighbouring estate as the Collector shall, by an order under his seal and signature, declare.

Collector may include any lands in an estate.

34. Whenever it shall appear to the Collector that any lands which are not included in any estate as entered in the existing General Register should be included in any such estate for the purposes of this Act, the Collector shall cause a notice, addressed to the person who is believed to be in possession of such lands, to be served in the manner prescribed by section fifty, and a general notice to be published as prescribed by section forty-nine, to the effect that such lands will be so included if no objection be made within one month of the service of the said notice, or such longer period as the Collector may think fit to allow.

After the expiration of the said month or other period, the Collector shall proceed to enquire into any objections which may have been made, and to pass such order as he may think fit in respect to the inclusion of the said lands in the said estate for the purposes of this Act.

Collector may register lands as a revenue-free estate and call on proprietor to apply for registration.

35. Whenever it shall appear to the Collector that any land which is not entered on the General Register as a separate revenue-free property should be entered on the register as such property, he may cause a notice to be served in the manner prescribed by section fifty, calling on the person in possession of such land as proprietor or manager to show cause why such land should not be so registered as a revenue-free property;

and if after hearing any objections (which may be preferred within a month of the service of the said notice, or such longer period as the Collector may think fit to allow), and after making such further inquiry as may be necessary, the Collector shall be of opinion that the land should be so registered, he shall enter such land on the General Register as a revenue-free property, and by a notice served as prescribed in section fifty, as well as by a general notice published as prescribed in section forty-nine, shall require every proprietor and manager of such revenue-free property to apply for registration of his name and of the character and extent of his interest as such proprietor or manager,

and thereupon every such proprietor and manager shall be deemed, for the purposes of section sixty-eight, to be a person who is required by this Act to apply for the registration of his name, and all the provisions of Part IV of this Act, so far as may be practicable, shall apply to every such person;

provided that no such proprietor or manager shall be liable to any fine under section sixty-five until after the expiration of three months from the date on which the last-mentioned notice shall have been served.

Provided also that no land shall be entered as a revenue-free property in Part I of the General Register of revenue-free lands until the circumstances of the case shall have been reported to the Board, and until the Board shall have sanctioned such entry.

Board to decide what lands to be included in each revenue-free property.

36. The Board may decide what revenue-free lands shall be included in each revenue-free property to be registered as such under this Act, and may from time to time direct that lands which are borne on the register as forming one revenue-free property shall be divided and entered on the register as forming two or more such properties; and may similarly direct that revenue-free lands which are borne on the register as forming two or more revenue-free properties, shall be united and entered as forming one revenue-free property.

The Board may also direct that any lands which are improperly borne upon the General Register of revenue-free lands shall be removed from such register, or shall be omitted from any new register of such lands which may be prepared.

Collector may serve notice for inclusion of any lands in a revenue-free property.

37. Whenever it shall appear to the Collector that any land which is not included in any revenue-free property entered in the existing General Register, should be included in any such property for the purposes of this Act, the Collector may cause a notice to be served on the person believed to be in possession of such lands in the manner prescribed by section fifty, and a general notice to be published as prescribed by section forty-nine, to the effect that such lands will be so included if no objection be made within one month of the service of the said notice, or such longer period as the Collector may allow.

At the expiration of the said month or of such period, the Collector shall proceed to inquire into any objections which may have been made, and to pass such order as he may think fit in respect to the inclusion of the said lands in the said property for the purposes of this Act.

PART IV.

Registration and Mutation of Names.

Proprietor and manager to register within specified time.

38. Every proprietor of an estate or revenue-free property or of any interest therein, respectively, being in possession of such estate, property, or interest, at the commencement of this Act,

every joint proprietor of an estate or revenue-free property being in charge of such estate or property, or of any interest therein, respectively, on behalf of the other proprietors thereof, at the commencement of this Act,

and every person being manager of an estate or revenue-free property, or of any interest therein, respectively, on behalf of a proprietor thereof, at the commencement of this Act,

shall, if his name and the character and extent of his interest have not already been registered, make application in the manner hereinafter provided for the registration of his name and of the character and extent of his interest as such proprietor or manager, to the Collector of the district on the General Register of which such estate or property is borne, or to any other officer who may have been empowered by the Collector to receive such application, within such time as the Lieutenant-Governor may fix as hereinafter provided.

Lieutenant-Governor may fix date before which proprietor and manager must apply for registration.

39. The Lieutenant-Governor shall, within six months from the commencement of this Act, fix for each district the date or dates before which such proprietors and managers, being in possession of estates or revenue-free properties, or of any interest therein, respectively, at the commencement of this Act, shall be required to apply for registration of their names, and of the character and extent of their interests, under the last preceding section, and may at any time alter any date so fixed, provided that no date so fixed shall be later than five years after the said commencement.

Lieutenant-Governor may fix different dates in respect of different estates.

40. The Lieutenant-Governor may in any district, for the purposes of the last preceding section, fix different dates in respect of estates and revenue-free properties, or in respect of different classes of estates and revenue-free properties, or in respect of different portions of the district;

No penalty to be incurred until after six months from publication of notice.

provided that no person shall incur any penalty or disability under this Act for failure to apply for registration of his name as such proprietor or manager as aforesaid, until after the lapse of six months from the date on which the notice prescribed by the next succeeding section shall have been published in respect of his estate or property, or in respect of the class of estates or revenue-free properties within which his estate or property falls or in respect of the portion of the district in which his estate or revenue-free property is situated.

Publication of date fixed by Lieutenant-Governor.

41. Every date fixed by the Lieutenant-Governor as provided in the two last preceding sections shall be published by a notice in the *Calcutta Gazette;*

and also by notices to be posted up

at the Court or Office of the Judge, the Magistrate, and the Collector of the district, in respect of which such date is fixed,

at the Court or Office of every Moonsiff, Sub-divisional Officer, and Sub-Registrar of Assurances in such district;

and at every police-station in such district;

and by proclamation to be made by beat of drum at the head-quarters of such district, and in every place in which a sub-divisional office is situated and in such other places as the Lieutenant-Governor may direct.

The officer in charge of every Court, office, and police-station at which a notice is required to be posted up under this section shall certify to the Collector the date on which the notice was so posted up at his court, office or police-station, and the latest date so certified shall be deemed to be the date of publication of the notice for the purposes of the two last preceding sections.

Persons succeeding to proprietary right in, or management of, estates to give information within six months.

42. Every person succeeding, after the commencement of this Act, to any proprietary right in any estate or revenue-free property, whether by purchase, inheritance, gift, or otherwise;

every joint proprietor of an estate or revenue-free property, assuming charge after such commencement of such estate or property, or of any interest therein respectively, on behalf of the other proprietors thereof;

and every person assuming charge after such commencement of any estate or revenue-free property, or of any interest therein respectively as manager,

shall, within six months from the date of such succession or assumption of charge, make application in the manner hereinafter provided to the Collector of the district on the General Register of which such estate or property is borne, or to any other officer who may have been empowered by such Collector to receive such applications, for registration of his name and of the character and extent of his interest as such proprietor or manager.

Lieutenant-Governor may exempt certain proprietors from obligations imposed by this Act.

43. Notwithstanding anything contained in section thirty-eight or the last preceding section, the Lieutenant-Governor may in any district exempt proprietors and managers of all or any estates which are liable to pay less than twenty rupees of land revenue annually, and proprietors and managers of all or any revenue-free properties which consist of less than fifty acres of land, from the obligations imposed by this Act in respect

of applying for registration of their names, and may at any future time withdraw such exemption and require such proprietors and managers to register their names.

Mortgagee may apply for registration.

44. Every person who holds a mortgage of any proprietary right in any estate may apply to the Collector for registration of his name as such mortgagee, and of the interest in respect of which he is such mortgagee; and in such application shall specify whether he or the mortgagor is in possession. On receipt of such application the Collector shall proceed, as far as possible, according to the manner hereinafter prescribed in respect of applications for registration as proprietor.

Presentation of application.

45. Any application for registration under this Act may be presented by the applicant or by some person duly authorized by him in that behalf.

Joint proprietor and manager to specify extent of interest of each person for whom he manages.

46. If the applicant under section thirty-eight or section forty-two is a joint proprietor in charge as aforesaid, or a manager, he shall in his application specify the name of the person or persons on behalf of whom he is in such charge or on behalf of whom he is manager, and the character and extent of the interest of every such person.

If application is for registration as manager, appointed by authority, Collector shall register name of applicant on proof of appointment.

47. If the application under section thirty-eight or section forty-two be for registration of the name of the applicant as manager appointed by the Collector, the Court of Wards, or by any Civil or Criminal Court, the Collector shall register the name of the applicant, on proof being produced to his satisfaction that the applicant has been so appointed to be such manager.

Otherwise Collector shall issue notice.

48. If the application be for registration otherwise than as manager appointed as mentioned in the last preceding section, and if it sets forth circumstances which would justify the Collector in registering the name of the person whose name is required to be registered, or if after further inquiry the Collector considers that such circumstances exist, he shall issue a notice requiring all persons who object to the registration of the name of the person whose name is required to be registered, or who dispute the character or extent of the interest in respect of which it is required to be registered, to give in a written statement of their objections, and to appear on a day to be specified in such notice, not being less than one month from the date of the publication thereof.

Publication of notice.

49. Such notice shall be published by affixing a copy of the same on or at all the following places:—

(*a*) the zemindarce kutcherry (if any) of the estate or other place at which the rents are ordinarily received;

(*b*) some conspicuous place in at least one village appertaining to the estate to which the application relates, and if the estate comprises lands situated in more than one local division, then in at least one village in each local division containing such lands;

(*c*) the office or Court of every Collector, Sub-divisional Officer, Judge, and Moonsiff, within whose jurisdiction, and every police-station within the jurisdiction of which any of the lands to which the application relates are known to be situated.

Service of notice on alleged transferor.

50. If the application alleges that the applicant has acquired possession of the interest in respect of which he applies to be registered by transfer from any living person, a copy of such notice shall be served on the alleged transferor by tendering to the person to whom it may be directed a copy thereof attested by the Collector, or by delivering such copy at the usual place of abode of such person, or to some adult male member of his family; or in case it cannot be so served, by posting some copy upon such conspicuous part of the usual or last known place of abode of such person.

In case such notice cannot be served in any of the ways hereinbefore mentioned, it shall be served in such way as the Collector issuing such notice may direct.

No fees or other costs shall be payable by the applicant in respect of the service or publication of the notice prescribed by this and the last preceding section.

Irregularity in publication or service of notice not to affect validity of proceedings.

51. No irregularity or omission in the publication or service of notice as required by the three last preceding sections shall affect the validity of any proceedings under this Act, unless it is proved to the satisfaction of the Collector that some material injury was caused by such irregularity or omission.

Inquiry by Collector.

52. On the day fixed in the notice issued under section forty-eight, or as soon thereafter as possible, the Collector shall consider any objections which may be advanced, and make such further inquiry as appears necessary to ascertain the truth of the alleged possession of, succession to, or transfer of the estate, revenue-free property, or interest therein, in respect of which registration is applied for; and if it appears to the Collector that the possession exists,

or that the succession or transfer has taken place, and that the applicant has acquired possession in accordance with such succession or transfer,

but not otherwise,

the Collector shall order the name of the applicant to be registered in the proper registers as proprietor or manager of the said estate, revenue-free property, or interest therein;

provided that any person to whom any proprietary right in an estate has been mortgaged, may be registered as mortgagee, whether he be in actual possession or otherwise.

Power to summon witnesses and compel production of documents.

53. For the purpose of the inquiry mentioned in the last preceding section, and of every inquiry held under this Act, the Collector may summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents by the same means, and, as far as possible, in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure.

Payment of costs.

54. All costs of any inquiry or proceeding held before the Collector under this Act shall, except as provided in section fifty, be payable by the parties concerned, and the Collector may pass such orders as he shall think fit in respect of the payment of such costs.

Dispute as to possession, succession, or acquisition by transfer.

55.* If the applicant's possession of, succession to, or acquisition by transfer of, the extent of interest in respect of which he has applied to be registered, is disputed by or on behalf of any person making a conflicting claim in respect thereof, and if it is not proved to the satisfaction of the Collector that any person is in possession of the interest in dispute, the Collector shall determine summarily the right to possession of the same, and shall deliver possession accordingly, and shall make the necessary entry in the registers;

or if, in the opinion of the Collector, the dispute be one which can more properly be determined by a Civil Court, the Collector shall refer the matter in dispute to the principal Civil Court of the district for determination as hereinafter provided;

Procedure when a portion of interest only is disputed, and not the rest.

provided that if the applicant's possession of any extent of interest in accordance with his application be not disputed, or if such possession be proved to the satisfaction of the Collector, the Collector may register the said appli-

* Bengal Act V of 1878, section 1.

cant's name in respect of such extent of interest, and may at the same time make a reference as hereinafter provided to the Civil Court for determination of any dispute as to any further extent of interest in respect of which the applicant has applied to be registered, but in respect of which the right of the applicant to be registered is disputed, and is not proved to the satisfaction of the Collector.

In cases of disputed possession, &c., Collector may appoint receiver.

56. In any case of disputed possession of, succession to, or acquisition by transfer of, the extent of any interest in respect of which application is made under the last preceding section, the Collector may appoint a receiver to collect the rents of the extent of interest in dispute, and from the sums so collected shall be paid the expenses of management and the revenue due to the Government; and the surplus shall be held in deposit in the Collector's treasury, and shall be paid over to the person who shall be registered by the Collector, or under the order of a Civil Court, in respect of the extent of interest in dispute.

Effect of Collector's order under first clause of section 55.

57. Every order of a Collector passed under the first clause of section fifty-five shall be of the same force and effect as an order passed by the Judge under section 4 of Act XIX of 1841 (*an Act for the protection of moveable and immoveable property against wrongful possession in cases of succession*), determining summarily the right to possession and delivering possession accordingly;

and no proceedings shall be taken by any Civil Court under the said Act in respect of any claim or dispute which has been determined by an order of the Collector as aforesaid.

Procedure on making a reference under section 55.

58. In making a reference to the Civil Court under section fifty-five, the Collector shall state for the information of the said Court in writing under his hand

(1) the name of the estate or revenue-free property to which the reference applies, together with the numbers which it bears on the General Register and (if an estate) on the revenue-roll of the district;

(2) the names of all the persons who now stand registered on the General Register as proprietors, managers, or mortgagees of such estate or property, with the character and extent of the interest in respect of which each stands registered;

(3) the name of the applicant for registry;

(4) the character and extent of the interest in dispute;

(5) the circumstances of the case as far as they are before the Collector, and the reasons which have led him to make the reference.

Procedure on receipt of reference.

59. On receipt of such reference the said principal Civil Court of the district may either proceed to determine the matter, or may transfer the matter for determination to any other competent Civil Court in the district. The said principal Civil Court, or the Court to which the matter is transferred, shall cite the parties concerned, and give notice of the time at which the matter will be heard; and after expiration of the time so fixed, shall determine summarily the right to possession in respect of the interest in dispute (subject to regular suit), and shall deliver possession accordingly.

Judge may appoint curator.

60. If it shall appear to the Judge of the Court by which the matter is heard that danger is to be apprehended of the misappropriation or waste of the property before the summary suit can be determined, such Judge may appoint curators for the care of the property, and may exercise all or any of the powers mentioned in sections 5 to 13 (both inclusive) of Act XIX of 1841.

Costs.

61. The said Court may make such order as it shall think fit with regard to the payment by the parties of the cost of the inquiry and proceedings;

provided that no costs shall be recoverable from the parties on account of the issue of notices citing the parties and fixing a date for the first hearing of the case.

Summary decision of Court to be final.

62. The summary decision of the Court under section fifty-nine shall have no other effect than that of settling the actual possession; but for this purpose it shall be final, not subject to any appeal or order for review.

Court to certify its determination to Collector.

63. The Court shall certify to the Collector its determination as to the right of possession, and the Collector shall thereupon make the necessary entries in the proper registers.

Collector to levy fees on transfers.

64. Fees at the following rates shall be levied by the Collector on the registry under this Act of any transfer—

(1) in the case of revenue-paying lands, one quarter or four annas per centum on the annual revenue payable to Government from the extent of interest transferred;

(2) in the case of revenue-free lands, two and a half per centum on the amount of the annual produce of the extent of interest trans-

ferred, such annual produce being the amount of the rents received and receivable on account of the year preceding the year in which the transfer may be registered;

provided that no fee for the registry of any one transfer shall exceed one hundred rupees.

Such fees shall be levied from the person in whose favour the transfer is registered.

All fees levied under this section shall be carried to the account of Government.

Penalty for omitting to comply with provisions of Act.

65. Whoever, being required by this Act to apply for the registration of his name and the extent of his interest in any estate or revenue-free property, voluntarily or negligently omits to make such application within the prescribed time, shall be liable to such fine as the Collector may think fit to impose, not exceeding one hundred rupees for such omission, and to such further daily fine as the Collector may think fit to impose, not exceeding fifty rupees, for each day during which such person shall omit to apply for such registration after a date to be fixed by the Collector in a notice requiring such person to apply for registration.

Such notice shall be served in the manner prescribed in section fifty, and the date before which such person is required to apply for registration shall not be less than one month after service of such notice.

Fine may be levied notwithstanding appeal.

66. The Collector may proceed from time to time to levy any amount which has become due in respect of any such fine, notwithstanding that an appeal against the order imposing such fine may be pending;

Report to Commissioner when fine reaches a certain amount.

provided that whenever the amount levied under any such order shall have exceeded five hundred rupees, the Collector shall report the case specially to the Commissioner of the Division, and no further levy in respect of such fine shall be made otherwise than by authority of the said Commissioner.

No penalty on person who applies *suo motu*.

67. Notwithstanding anything contained in section sixty-five, no fine shall be imposed by the Collector under the said section on any person on the ground that such person has failed to make application for registration of his name within the time fixed by the Lieutenant-Governor under section thirty-nine or forty,

or on the ground that such person has failed to apply for registration of his name within the time prescribed by section forty-two,

if such person shall, at any time after the expiration of the time fixed or prescribed as aforesaid, of his own motion, and otherwise than after the issue of a requisition by the Collector in that behalf, present such application as is required by this Act for the registration of his name, and of the character and extent of his interest.

Liabilities of proprietors and managers.

68. Save as is provided in section 90 of the Code of Criminal Procedure, all the recorded proprietors and managers of an estate or revenue-free property shall be deemed to be jointly and severally liable for the discharge of any duties and obligations which are by any law for the time being in force imposed upon the proprietors of such estate or property;

and all persons who are required by this Act to apply for registration shall, from the date on which the obligation so to register is imposed on them respectively by this Act, be deemed to be liable for the discharge of any duties and obligations which are by any such law as aforesaid imposed upon the proprietors of the estate or property in respect of which they are required to apply for registration respectively.

PART V.

Opening of Separate Accounts in respect of Shares.

No separate account to be opened otherwise than in accordance with registered interest.

69. Notwithstanding anything contained in Act XI of 1859 (*an Act to improve the law relating to sales of land, &c.*), from the commencement of this Act no separate account shall be opened under the provisions of section 10 or of section 11 of the said Act in respect of the share of any applicant under the said sections otherwise than for a share corresponding with the character and extent of interest in the estate in respect of which such applicant is recorded as proprietor or manager under this Act.

Proprietor holding undivided interest in specific lands may apply for separate account.

70. When a proprietor of a joint estate, who is recorded as proprietor of an undivided interest held in common tenancy in any specific portion of the land of the estate, but not extending over the whole estate, desires to pay separately the share of the Government revenue which is due in respect of such interest, he may submit to the Collector a written application to that effect. The application must contain a specification of the land in which he holds such undivided interest, and of the boundaries and extent thereof, together with a statement of the amount of Government revenue heretofore paid on account of such undivided interest. On the receipt of this application the Collector shall cause it to be published in the manner prescribed for publication of notice in section 10 of Act XI of 1859.

In the event of no objection being urged by any recorded co-sharer within six weeks from the time of publication, the Collector shall open a separate account with the applicant, and shall credit separately to his share all payments made by him on account of it.

The date on which the Collector records his sanction to the opening of a separate account shall be held to be that from which the separate liabilities of the share of the applicant commence.

Sections 12, 13, and 14 of Act XI of 1859 applicable.

71. Section 12 of the said Act XI of 1859 shall apply to every application made under the last preceding section; and the effect and consequences of opening a separate account under the last preceding section shall be such and the same as are described in section 13 and in section 14 of Act XI of 1859.

Application to close a separate account.

72. Whenever any share in respect of which a separate account has been opened by the Collector under section 10 or section 11 of the said Act XI of 1859, or under section seventy, shall no longer correspond with the character and extent of interest held in the estate by any one proprietor or manager, or jointly by two or more proprietors or managers, any proprietor or manager whose name is borne on the General Register under this Act as proprietor or manager of any interest in the share in respect of which such separate account is open, may submit to the Collector a written application setting out the circumstances under which such share no longer corresponds with the extent of interest held in the estate by any recorded proprietor or manager, or jointly by two or more recorded proprietors or managers, and specifying the manner in which such share has become broken up and distributed among the proprietors of the estate, and praying that the separate account standing open in respect of such share shall be closed, and, if he so desire, praying that another separate account be opened in respect of any other share or shares which were wholly or partly included in the share in respect of which the previous separate account was open.

Illustration.

In a certain estate separate accounts have been opened under section 10 of Act XI of 1859 for the 4 annas share of A, and also for the 5 annas share of B, the accounts of the remaining 7 annas share being kept jointly in the names of the remaining proprietors C, D, and E.

In course of time X has inherited A's 4 annas share, and also C's interest in the 7 annas share, which amounted to 3 annas; X has also acquired by purchase 2 annas out of B's 5 annas share, so that the interests in the estate are now distributed as follows:—

X	9 annas.
B	3 „
D & E	4 „

X, if a recorded proprietor of the estate, may apply to the Collector to close the separate account which is open in respect of A's 4 annas share, and also the separate account which is open in respect of B's 5 annas share, as neither of these shares corresponds with the extent of interest held by any one proprietor, or held jointly by two or more proprietors in the estate;

and in the same application X may apply for the opening of a separate account in respect of the 9 annas share which he now holds.

Any of the other proprietors might also make a similar application.

Separate account may be closed and another opened.

73. On receipt of such application the Collector shall cause a copy of the same to be published in the manner provided in section 10 of Act XI of 1859; and if within six weeks from the date of such publication no objection is made by any other recorded proprietor of the estate, the Collector shall close the separate account which then stands open, and shall open a separate account with the applicant as required by him, under section 10, or section 11 of Act XI of 1859, or under section seventy, as the case may be.

Procedure in case of objection.

74. If any recorded proprietor of the estate, whether the same be held in common tenancy or otherwise, object that the share in respect of which any separate account is open as aforesaid has not been broken up, and does still correspond with the character and exte[illegible] interest held by any one proprietor or manager, or jointly by tw[illegible]e proprietors or managers,

[illegible] that the applicant has no right to the share claimed by him, or tha[illegible]st in the estate is less or other than that claimed by him,

or (wh[illegible]e application is in respect of a specific portion of the land of an estate, [illegible] in respect of an undivided interest held in common tenancy in any specific portion of the land of the estate,) object that the amount of government revenue stated by the applicant to have been heretofore paid on account of such portion of land, or on account of the applicant's undivided interest therein, is not the amount which has been recognized by the other sharers as the Government revenue thereof,

the Collector shall refer the parties to the Civil Court, and shall suspend proceedings until the question at issue is judicially determined.

PART VI.

Miscellaneous.

Collector must furnish extract from register.

75. The Collector shall supply an extract from any register mentioned in this Act to any person who may apply for the same, subject to the payment of such fees for searching and copying as may be prescribed by the Board.

76. If in any district any register prescribed by this Act has not been prepared and kept up in the vernacular language and character of the district, the Collector shall be bound, together with any English extract, which may be furnished under the last preceding section, to furnish a translation of the same in the vernacular language and written in the vernacular character of such district to any one who may demand such translation, and no further charge shall be made in respect of the furnishing of such translation than might have been charged in respect of the English extract furnished under the said section.

When Collector must furnish translation of extract.

77. Whenever any change shall be made by order of competent authority in the names of the recorded proprietors or managers of any estate or revenue-free property, or in the character or extent of the interest of any such proprietor or manager as entered in any register mentioned in this Act, so soon as the order under which such change in the entry may have been made shall have been confirmed on appeal, or so soon as the period for presenting an appeal against such order shall have expired without the presentation of an appeal, the Collector shall cause a notice of such change to be posted up at his office, at the office of every sub-divisional officer within whose jurisdiction any lands of the estate or revenue-free property concerned are situated, and at such places as he may think fit on the estate or property; and every such notice shall set out the name of every proprietor and manager of the estate or revenue-free property concerned, and the character and extent of the interest of every such proprietor and manager as it stands recorded on the General Register on the date of the issue of the notice.

Notification of changes in registers.

78. No person shall be bound to pay rent to any person claiming such rent as proprietor or manager of an estate or revenue-free property in respect of which he is required by this Act to cause his name to be registered, or as mortgagee, unless the name of such claimant shall have been registered under this Act;

and no person being liable to pay rent to two or more such proprietors, managers, or mortgagees holding in common tenancy, shall be bound to pay to any one such proprietor, manager, or mortgagee more than the amount which bears the same proportion to the whole of such rent as the extent of the interest in respect of which such proprietor, manager, or mortgagee is registered bears to the entire estate or revenue-free property.

No person bound to pay rent to unregistered claimant or rent in excess of recorded interest of claimant.

79. The receipt of any proprietor, manager, or mortgagee, whose name and the extent of whose interest is registered under this Act, shall afford full indemnity to any person paying rent to such proprietor, manager, or mortgagee.

Indemnity to persons paying rent to registered proprietor, manager, or mortgagee.

Collector may pay certain sums due to recorded proprietors, in accordance with registered interests of each.

80. Whenever any sum of money shall be payable by the Collector to the proprietors of any estate or revenue-free property jointly (otherwise than under the Land Acquisition Act, 1870), the Collector may pay to any one or more recorded proprietors or managers thereof respectively such portion of the said sum as may be proportionate to the extent of the interest in respect of which each such proprietor or manager is registered, and the receipt of each such proprietor or manager shall afford full indemnity to the Collector in respect of any sum so paid.

Saving of written contracts and recovery from person receiving money.

81. Nothing contained in the three last preceding sections shall be held to interfere with the conditions of any written contract, or to prevent any person deeming himself entitled to any sum of money from recovering such sum due by process of law from any other person who has received the same.

Every amount due deemed to be a demand under Bengal Act VII of 1868.

82. Every amount which may become due to the Collector under the provisions of this Act in respect of any expenses incurred, of any fees payable, of any notices served, of any costs payable by any party, or of any fines imposed, shall be deemed to be a demand under section 1 of Bengal Act VII of 1868 (*an Act to make further provision for the recovery of arrears of land revenue and public demands recoverable as arrears of land revenue*), and shall be leviable as such.

Collector may require proprietor to name estate.

83. The Collector may by a notice require the proprietor or manager of any estate or revenue-free property to name such estate or property by a distinctive name, and in case of failure of such proprietor or manager to comply with the requisition within the time fixed by the Collector, may name such estate or property.

Collector may delegate duties.

84. The Collector may, by a special or a general order, delegate to any Assistant Collector, Deputy Collector, or Sub-Deputy Collector the performance of any duty, and the exercise of any function, which the Collector is required or empowered to perform or exercise under this Act, except in respect of appeals;

and any Assistant, Deputy, or Sub-Deputy Collector, to whom any duty or function is so delegated may exercise all the powers of a Collector under this Act, except in respect of appeals.

Appeals from officer below Collector to Collector.

85. Every order passed under this Act by any revenue officer below the rank of the Collector of the district (not being an officer specially vested with appellate powers as hereinafter mentioned) shall be appealable to the Collector

of the district, or to any officer who may have been specially vested by the Government with special appellate powers in this behalf;

and there shall be no further appeal from any order so passed in appeal confirming the order appealed against,

but an appeal shall lie to the Commissioner of the Division against every order so passed in appeal which modifies or reverses the order appealed against.

From Collector to Commissioner.

Every order passed by the Collector of the district, or by any officer specially vested with appellate powers as aforesaid, being passed otherwise than on appeal from the order of another officer, shall be appealable to the Commissioner of the Division.

Time for appeals.

Every appeal to the Collector shall be presented within fifteen days of the date of the order appealed against;

and every appeal to the Commissioner shall be presented to the Commissioner, or to the Collector for transmission to the Commissioner, within thirty days of the order appealed against;

and every appeal presented after the lapse of the time fixed by this section may be summarily rejected, unless sufficient cause shall be shown to the satisfaction of the appellate authority for admitting the appeal after the lapse of such time.

Revision by Commissioner and Board.

Every order passed by any officer subordinate to a Commissioner shall be subject at any time to revision and modification by such Commissioner;

and every order passed by any such officer or by such Commissioner shall be subject at any time to revision and modification by the Board.

Exclusion of time in case of appeals.

86. In computing the period of limitation prescribed for an appeal, the day on which the order complained of was made, and the time requisite for obtaining a copy of the same shall be excluded.

Lieutenant-Governor may vest officer with special appellate powers.

87. The Lieutenant-Governor may from time to time vest any officer other than the Collector of the district with special appellate powers under this Act; and every officer so vested shall be competent to hear and decide any appeal which the Collector of the district is competent to hear and decide under this Act.

Board may make certain rules.

88. Within four months of the date on which this Act comes into force, the Board shall make general rules consistent with this Act to regulate—

the form in which registers under this Act are to be kept;

the procedure as to the presentation, admission, and verification of applications for registration under Part IV, and as to inquiries under section fifty-two,

and generally for the purposes of this Act.

The Board may from time to time cancel or alter any such rules.

Saving clause.

89. Nothing contained in this Act, and nothing done in accordance with this Act, shall be deemed to

(*a*) preclude any person from bringing a regular suit for possession of, or for a declaration of right to, any immoveable property to which he may deem himself entitled;

(*b*) render the entry of any land in the registers under this Act as revenue-free an admission on the part of Government of the right of the person in whose name such land may be entered, or an admission of the validity of the title under which the said land is held revenue-free;

(*c*) affect the rights of the Government or of any person in respect of any immoveable property or of any interest, except as otherwise expressly provided herein.

SCHEDULE OF REGULATIONS REPEALED.

(*See section* 2.)

Number and year.	Subject or abbreviated title.	Extent of repeal.
XIX of 1793 ...	Non-badshahi lakhiraj grants.	Sections twenty-one, twenty-two, twenty-nine to thirty-four, sections thirty-six to forty-one; so much of section forty-two and forty-three as have not been repealed; sections forty-four to forty-six, all inclusive.
XXXVII of 1793	Badshahi lakhiraj grants.	Sections sixteen to eighteen, twenty-four, twenty-six to twenty-nine, thirty-one to thirty-three, thirty-five, thirty-six; so much of section thirty-seven as has not been repealed, section thirty-eight, so much of section thirty-nine as has not been repealed; sections forty to forty-one, all inclusive.
XLVIII of 1793 ...	A Regulation for forming a quinquennial register, &c.	So much as has not been repealed.
LVIII of 1795 .	Granting to the Collectors a commission on the jumma of certain lands.	So much as has not been repealed.
XV of 1797 .	Levying fees, &c. ...	The whole.
VIII of 1800 ...	Pergunnah register ..	So much as has not been repealed, except section nineteen.

THE ESTATES' PARTITION ACT, 1876.

CONTENTS.

PREAMBLE.

PART I.

PRELIMINARY.

SECTION.

1.—Short title.
Local extent.
Commencement.
2.—Laws repealed.
3.—Certain provisions of Act applicable to partition cases pending at the time of the commencement.
4.—Interpretation clause.
5.—Future partitions to be made under provisions of this Act.
6.—Revenue to be assessed on each separate estate.
7.—Definition of rental.

PART II.

THE RIGHT TO CLAIM PARTITION.

8.—Who entitled to claim partition.
9.—Partition according to interest.
10.—Life estate.
11.—No partition of a permanently-settled estate allowable if separate estate liable for less than one rupee annual land revenue until proprietor agrees to redeem.
12.—Partition of an estate in which private division has been made, not to be made except on joint petition of proprietors or on order of Civil Court.
13.—Under certain circumstances Collector may refuse to declare lands held in severalty to be a separate estate.
14.—Interest alienated with special condition as to revenue liability.
15.—Arrears of revenue may be realized by sale of parent estate.
16.—Shares may be protected from liability for arrears under laws in force. When share to be sold subject to partition proceedings.

PART III.

APPLICATION FOR PARTITION, ADMISSION OF AN ESTATE TO PARTITION, AND DISCONTINUANCE OF PARTITION PROCEEDINGS AFTER SUCH ADMISSION.

17.—Application for partition to be made to Collector of the district.
18.—Application to be signed and certain particulars specified.
19.—Application must be accompanied by copy of rent-roll and statement of rents.

Attestation of rent-roll, etc.
Applicant must state reason for non-production of rent-roll.
20.—Collector may reject application.
21.—Procedure of Collector on receipt of application.
22.—Notice to proprietors who have not joined therein.
23.—If valid objection made within time allowed, application may be refused.
24.—Procedure when objection raises any question of title or right.
25.—When Collector to resume proceedings.
26.—Suit in Civil Court when not to affect proceedings taken under this Act.
27.—Form and effect of decree made while partition proceedings are in progress.
28.—Decree made after partition proceedings completed.
Execution of such decree.
29.—Civil Court may order partition.
30.—Collector to assess land revenue in accordance with this Act.
31.—When Collector may declare the estate to be under partition.
32.—Subsequent application for separation of another share.
33.—Collector may refer application for partition to any Deputy Collector.
34.—As soon as estate declared to be under partition, Collector may appoint Deputy Collector.
35.—Partition may be stayed if parties so desire.
36.—Partition may be stayed and proceedings quashed by Commissioner.

PART IV.

Establishments for effecting Partitions and Cost thereof.

37.—Deputy Collectors may appoint officers for making measurement of land
38.—Special establishments may be appointed.
39.—Cost of partition to be levied from proprietors in accordance with rules laid down by the Board.
40.—Apportionment of costs.
41.—Deputy Collector may declare cost of local inquiry.
42.—After completion of partition Collector shall declare total cost thereof.
43.—Salary of Deputy Collectors when to be deemed part of cost of partition.
44.—What are costs leviable from proprietors.
45.—Lieutenant-Governor may direct Estates' Partition Fund to be formed.
46.—Procedure when Estates' Partition Fund formed in any district.
47.—Scale of fees.
48.—Abstract of Estates' Partition Fund to be published.
49.—What costs of partition chargeable to Estates' Partition Fund.
50.—Civil Court may in certain cases order parties to pay expenses incurred in dividing an estate.
Court to transmit copies of orders to Collector.

PART V.

PARTITION PROCEEDINGS UP TO THE ADOPTION OF A RENT-ROLL AND MEASUREMENT PAPERS.

51.—As soon as estate declared to be under partition, Deputy Collector to cause notification to be published.

52.—Rent-roll filed by a proprietor to be subscribed and verified.

53.—Procedure if person required cannot produce rent-roll or statement.

54.—Deputy Collector may order measurement of land and may test rent-roll.

55.—Deputy Collector to summon proprietors by proclamation to attend meetings.

56.—Deputy Collector and Ameen may require attendance of proprietor or any other person.

57.—Deputy Collector to test Ameen's work

58.—Examination of the parties.

Partition papers.

59.—Power of Deputy Collector if proprietor fails to file rent-roll.

60.—Power of Deputy Collector, if person fails to produce rent-roll.

61.—Collector may dispense with rent-roll, maps, and other papers.

62.—Proprietor who has failed to attend shall not be entitled to object subsequently.

63.—Notification of date for deciding the mode of partition.

PART VI.

PARTITION BY AMICABLE ARRANGEMENT OR BY ARBITRATION.

64.—Deputy Collector may allow parties to make a private partition.

In case of failure, Deputy Collector may refer to arbitration.

65.—Procedure on reference to arbitration.

66.—Arbitrators to deliver a partition paper.

67.—Remuneration of arbitrators.

68.—Partition made under this Part to be subject to approval of Collector and superior revenue authorities.

69.—Land revenue to be assessed by the Collector.

70.—In default of delivery of partition paper, Collector may withdraw case from arbitration.

PART VII.

PROCEDURE FROM THE DETERMINATION OF THE GENERAL ARRANGEMENT OF THE PARTITION BY THE DEPUTY COLLECTOR TO THE APPROVAL OF THE PARTITION BY THE COLLECTOR.

71.—Procedure when no petition presented under section 64.

72.—Deputy Collector may postpone settlement of general arrangement of partition.

73.—Deputy Collector may award compensation for attendance to proprietor.
74.—If no postponement made, Deputy Collector to determine the general arrangement of the partition.
75.—General arrangement of partition to be submitted for sanction of Collector.
76.—Deputy Collector to fix boundaries.
77.—Deputy Collector to draw up paper of partition and map.
78.—Deputy Collector to submit papers to Collector.
79.—Deputy Collector to prepare extracts of partition papers for each proprietor.
80.—On receipt of papers and report Collector to publish notification.
81.—Procedure of Collector thereupon.
82.—Proprietor when not entitled to make subsequent objection.
83.—Collector may cause a fresh partition paper and map to be prepared.
84.—Procedure when Collector approves of a partition without amendments.
85.—Procedure when Collector approves partition paper with amendments.
86.—Papers to be forwarded to Commissioner.

PART VIII.

General Principles on which Partitions shall be made.

Rules applicable to the partition of lands which are held by the proprietors in common tenancy.

87.—Estates formed in course of partition to be as compact as possible.
88.—Circumstances to be considered in making partitions.
89.—Rule when dwelling-house belonging to one proprietor is situated on ground to be allotted to another proprietor.
90.—Rule contained in last preceding section may be applied to gardens, orchards, etc.
91.—Calculation of rental.
92.—Rent may be redeemed.
93.—Deputy Collector to certify amount payable in redemption of rent.
94.—But not after possession of separate estates has been given.
95.—Notice of payment to be given and land to be held rent-free.
96.—Collector to register rent-free tenures.
97.—Lots may be drawn for equal shares.
98.—Order and method of drawing lots when aggregate of two or more shares equals one other share.
99.—Deputy Collector may require proprietor to attend or appoint agent for the purpose of drawing lots.
100.—In default Deputy Collector may appoint a person to draw lots.

Rules applicable to the formation into separate estates of lands which are held by proprietors in severalty.

101.—Joint petition may be presented for partition according to private division.

102.—Partition according to private division to be referred to Collector.
103.—Effect of Collector's approval.
104.—Such partition may be refused.
105.—Joint partition may be presented for partition in accordance with private division with proportional re-distribution of land revenue.
106.—Lands of which each proprietor is in possession to be allotted to him.
Sir, khamar, and nij-jote lands.
107.—Collector may make transfer of lands agreed to by parties.

Rules applicable both to lands held in common tenancy and to lands held in severalty.

108.—Rule as to places of worship.
109.—Rule as to tanks, wells, water-courses, and embankments.
110.—Lands held rent-free not to be divided.
111.—Rule as to permanent intermediate tenures.
112.—Lands held in common between the proprietors of two or more estates how to be dealt with.
Levy of expenses.
113.—Proprietors of other estates may be required to pay a portion of expenses of partition.
114.—Allotment of lands held in common to be sanctioned by Collector.
115.—The portion of such common lands assigned to estate under partition how to be dealt with.
116.—Procedure when dispute exists as to whether any lands form part of the parent estate.
Procedure when Collector thinks that lands belong to parent estate.
But land revenue must not be endangered.
117.—Procedure when partition completed and proprietor of an estate dispossessed by order of a competent Court.

PART IX.

Of the Procedure before the Commissioner up to the Completion of the Partition.

118.—If no appeal presented, Commissioner may consider the case without issue of notice.
119.—Commissioner to fix a day for hearing case.
120.—Commissioner to confirm, amend, or return partition.
Procedure in case of return.
121.—Commissioner may return papers for amendment or inquiry.
122.—Procedure by Collector on receipt of order of Commissioner or of Board of Revenue on appeal.
123.—Procedure as to giving possession of separate estates.

124.—Date specified in notice under preceding section.
125.—Each separate estate to be borne on the revenue-roll as separately liable for revenue assessed upon it.
126.—Collector may direct the construction of boundary marks.
Boundary marks are to be assigned to zemindars for preservation.

PART X.

MISCELLANEOUS.

127.—Any point may be referred to arbitration.
128.—Case of proprietor who has created a tenure.
129.—Two estates may be united.
130.—Application for such union how to be made, and how to be dealt with.
131.—Cause of sale of a separate estate for arrears to be ascertained.
132.—In certain cases Lieutenant-Governor may order a new allotment of the land revenue.
133.—Under assessed estates to make refund to over-assessed estates.
134.—Publication of notifications under this Act.
135.—Service of notice.
136.—No proceedings under this Act to be affected by any mistake or misdescription.
137.—Fine in case of non-compliance with notice or requisition.
138.—Fees, etc., to be deemed demands, under Bengal Act VII of 1868.
139.—Power of Collector to enforce attendance of witnesses.
140.—Powers and functions assigned to Deputy Collector may be exercised by Collector.
141.—Government may vest Collector or Deputy Collector with certain powers.
142.—Appeal to the Collector.
143.—Appeal to the Commissioner.
144.—Appeal to the Board.
145.—Powers of supervision and control.
146.—Proceedings connected with giving possession may be set aside within three months of date of giving possession.
147.—Orders as to costs on appeal.
148.—Powers of officers exercising jurisdiction under this Act with regard to false evidence.
149.—Orders of revenue officer which are not liable to be set aside by civil suit.
150.—When suit may be brought to set aside order of revenue officer.
151.—Board to be guided by instructions of Lieutenant-Governor.
152.—Board may lay down rules.

ACT No. VIII OF 1876.

(*Received the assent of the Lieutenant-Governor on the 26th August* 1876, *and of the Governor-General on the* 18*th September* 1876.)

An Act to make better provision for the Partition of Estates.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the partition of estates; It is enacted as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be called the "Estates' Partition Act, 1876."

Local extent.

It extends to the territories for the time being under the administration of the Lieutenant-Governor of Bengal.

Commencement.

And it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General, which date is hereinafter referred to as the commencement of this Act.

The Act came into force on the 4th October 1876.—*Calcutta Gazette*, 1876, Part III, p. 389.

Laws repealed.

2. On the commencement of this Act, the Regulations and Acts specified in the schedule hereto annexed, to the extent mentioned in the third column thereof, shall cease to have effect in the territories subject to the Lieutenant-Governor of Bengal, save so far as they repeal or modify any other Regulations or Acts, and save so far as regards the partition of any estate which shall be pending at the time of the said commencement.

The partition of any estate which shall be pending at the time of the commencement of this Act shall (except as provided in the next succeeding section) proceed and be completed in the same manner as if this Act had not been passed.

Certain provisions of Act applicable to partition cases pending at the time of its commencement.

3. The provisions of this Act, so far as they relate to the continuation of a partition from the point which it has reached, or to the staying of the partition of an estate, or to striking a partition case off the file, may be applied, at the discretion of the Collector, in all cases of partition of estates pending at the time of the commencement of this Act; provided that, before applying such provisions to the continuation of a partition, the Col-

lector give due notice in each case to the parties concerned that such provisions will be applied.

Interpretation clause.

4. In this Act—unless there be something repugnant in the subject or context—

"Ameen."

(i) "Ameen" means a person who is appointed by the Collector or Deputy Collector to make any measurement, survey, or local inquiry, or to prepare the papers showing the result of any measurement, survey, or local inquiry.

"Applicant."

(ii) "Applicant" means any person who has applied to the Collector under the provisions of this Act for the separation from the parent estate of lands representing his interest in such parent estate, and for the assignment to him of such lands as a separate estate liable for a demand of land revenue distinct from that for which the parent estate is liable.

"Assets of land."

(iii) "Assets of land" include the rental of the land with respect to which the expression is used, and all profits derived by the proprietors out of such land from rights of pasturage, forest-rights, fisheries, and all other legal sources.

"Assets of an estate."

(iv) "Assets of an estate" mean the assets of all land included in an estate.

"Board."

(v) "Board" means the Board of Revenue for the provinces for the time being subject to the Lieutenant-Governor of Bengal.

"Chapter."

(vi) "Chapter" means a chapter of this Act.

"Deputy Collector."

(vii) "Deputy Collector" includes any Assistant Collector, Deputy Collector, or Sub-Deputy Collector whom the Collector may appoint (as he is hereby empowered to do) to effect a partition and allotment of assessment under this Act, or to conduct any of the proceedings connected with such partition and allotment.

"Estate."

(viii) "Estate" means all lands which are borne on the revenue-roll of a Collector as liable for the payment of one and the same demand of land revenue.

"Joint undivided estate."

(ix) "Joint undivided estate" means all lands which are borne on the revenue-roll of a Collector as liable for the payment of one and the same demand of land revenue, and of which two or more persons are proprietors.

"Land."

(x) "Land" does not include the houses and buildings standing thereon.

(xi) "Lieutenant-Governor" means the Lieutenant-Governor of Bengal for the time being, or the person acting in that capacity.

"Lieutenant-Governor."

(xii) "Parent Estate" means any estate for the partition of which proceedings may be in progress under this Act, or of which the partition may have been effected under this Act.

"Parent Estate."

(xiii) "Proprietor" includes every person who is in possession of any estate under partition, or of any portion of such estate, or of any interest in such estate, or in any part of such estate, as owner thereof, whether such person be or be not a recorded proprietor of the estate.

"Proprietor."

(xiv) "Recorded Proprietor" means a person whose name is registered on the Collector's General Register of revenue-paying lands as proprietor of an estate, or of any share or interest therein.

"Recorded Proprietor."

(xv) "Section" means a section of this Act.

"Section."

(xvi) "Separate estate" means any distinct estate which may be formed by the partition of a parent estate under this Act, or for the formation of which proceedings may be in progress under this Act.

"Separate estate."

(xvii) "The Collector" means the Collector of the district on the revenue-roll of which the estate under partition, or which it is proposed to bring under partition, is borne, and includes any officer whom the Board may generally vest (as it is hereby empowered to do) with the powers of a Collector under this Act, and to whom the Collector of the district has, with the sanction of the Commissioner, delegated (as he is hereby empowered to do) any of his duties and functions in respect of the partition of any estate; and any officer whom the Board may specially vest (as it is hereby empowered to do) with the powers of a Collector for the purposes of any partition under this Act.

"The Collector."

(xviii) "The Commissioner" means the Commissioner of Revenue to whom the Collector engaged in making the partition is subordinate.

"The Commissioner."

5. All partitions of estates which shall be ordered to be made after the commencement of this Act, shall be made under the provisions of this Act, and no such partition made otherwise than under this Act shall relieve ~~any~~ lands

Future partitions to be made under provisions of this Act.

from liability to Government for the total demand of land revenue assessed upon the estate of which they form a part.

Revenue to be assessed on each separate estate.

6. The amount of land revenue assessed on each separate estate shall bear the same proportion to the whole amount of land revenue for which the parent estate was liable, as the assets of such separate estate bear to the whole assets of the parent estate.

Definition of rental.

7. Except as hereinafter otherwise expressly provided, the average of the amount of rent which was payable for any land by the cultivating ryots during the three years immediately preceding the year in which proceedings are taken under this Act for the partition of the estate shall, for the purposes of this Act, be deemed to be the rental of such land;

and if any land is not let, but is held and occupied directly by the proprietors or any of them, the annual rent for which such land might reasonably be expected to let shall be deemed to be the rental of such land.

Exception 1.—If the rent payable by the cultivating ryots on account of any land shall have been determined by any Court of competent jurisdiction, or shall have been altered with the consent of the said ryots at any time during the said three years, the amount so determined, or the amount to which the rent may have been so altered, may, if the Collector think proper, be deemed to be the rental of the land.

Exception 2.—If any land is held on a permanent tenure which was created by all the proprietors of the estate, and which by any law for the time being in force is protected against the purchaser at a sale for arrears of revenue, the rent payable by the holder of such tenure shall be deemed to be the rental of such land.

Exception 3.—If any land is held on a tenure which, although not protected as aforesaid, is admitted by all the recorded proprietors of the estate to be a permanent tenure created by all the proprietors of the estate, subject only to the payment of an amount of rent fixed in perpetuity, and of such nature that the rent thereof is not liable to be enhanced under any circumstances by the proprietors of the said estate, or any person deriving his title from such proprietors, the rent payable by the holder of such tenure (whether he be known as talookdar, putneedar, mokurrureedar, or by any other designation) shall be deemed to be the rental of such land.

Exception 4.—If any land be unoccupied, such amount as the Collector may determine, with reference to all the circumstances of the case, shall be deemed to be the rental of such land.

PART II.

Of the Right to claim Partition.

Who entitled to claim partition.

8. Except as hereinafter otherwise provided, every recorded proprietor of a joint undivided estate, who is in actual possession of the interest in respect of which he is so recorded, is entitled to claim a partition of the said estate, and the separation therefrom and assignment to him as a separate estate of lands representing the interest of which he is in such possession; provided that, and as far only as, such partition, separation, and assignment can be made in accordance with the provisions of this Act.

Any two or more such recorded proprietors may claim that lands representing the interests of all such claimants may be formed into one separate estate, to be held by them as a joint undivided estate; and every provision of this Act which applies to an applicant for partition shall apply to any two or more persons making such joint claim.

Partition according to interest.

9. (*a*) If the interest of any recorded proprietor who is entitled to claim partition as aforesaid is an undivided share in an estate held in common tenancy, such person shall be entitled to have assigned to him as his separate estate lands of which the assets shall bear the same proportion to the assets of the parent estate as his undivided share in the parent estate bears to the entire parent estate.

(*b*) If the interest of such recorded proprietor is the proprietary right of certain specific mouzahs or lands forming part of the parent estate, and held by him in severalty, he shall be entitled to have assigned to him as his separate estate the said mouzahs or lands.

(*c*) If the interest of such recorded proprietor consists of an undivided share held in common tenancy in certain specific mouzahs or tracts forming part of the parent estate, but not extending over the whole area of the parent estate, he shall be entitled to have assigned to him as his separate estate lands situated within such specific mouzahs or tracts, of which the assets shall bear the same proportion to the assets of such specific mouzahs or tracts as his undivided share in such specific mouzahs or tracts bears to the entire mouzahs or tracts;

provided that, if the interest of such recorded proprietor consists of such undivided share in more than one mouzah or tract, he shall not be entitled to have lands assigned to him in every such mouzah or tract, but the Collector may assign to him as his separate estate lands situated in any one or more of the said mouzahs or tracts, provided that the assets of such lands are in proportion to the aggregate of the interests which he holds in all such mouzahs or tracts.

(*d*) If such recorded proprietor holds in the parent estate more than one of the kinds of interest specified in this section, lands shall be assigned to him as far as possible in accordance with the principles above laid down.

Life estate.

10. Notwithstanding anything hereinbefore contained, no person having a proprietary interest in an estate for the term of his life only shall be deemed to be a person entitled to claim partition under this Act.

No partition of a permanently-settled estate allowed if separate estate liable for less than one rupee annual land revenue until proprietor agrees to redeem.

11. No application for the partition of a permanently-settled estate shall be admitted, and if the application shall have been admitted, no partition shall be carried out in accordance with such application, if the separate estate of any of the proprietors would be liable for an annual amount of land revenue not exceeding one rupee, until the proprietor of such separate estate agrees to redeem the amount of revenue for which his estate would be liable, by payment of such sum as the Lieutenant-Governor may fix with reference to the circumstances of such estate.

Partition of an estate in which private division has been made, not to be made except on joint petition of proprietors or on order of Civil Court.

12. Whenever a division of the lands of any estate has been made by private arrangement of the proprietors thereof, and in accordance with such arrangement each proprietor is in possession of separate lands held in severalty as representing his interest in the estate, no such estate shall be brought under partition, and no partition of such estate shall be made under this Act otherwise than on a joint petition presented under section one hundred and one or section one hundred and five by all the proprietors thereof, unless such partition shall have been ordered to be made by a Civil Court.

Under certain circumstances Collector may refuse to declare lands held in severalty to be a separate estate.

13. The Collector may refuse to admit an application for the formation of lands held in severalty into a separate estate, if in consequence of such lands being intermingled with those held by other proprietors the result of the partition would be to form out of a compact estate one or more estates consisting of scattered parcels of land in such a way as, in the opinion of the Collector, to endanger the safety of the land revenue, and the Collector may at any time refuse to proceed with a partition which would have such a result.

But a partition may be allowed in such a case if the recorded proprietors shall agree to such a distribution of land as shall make the estates formed by the partition reasonably compact.

Nothing in this section shall be understood to prohibit the partition into separate estates of a parent estate which before such partition is not compact and consists only of scattered parcels of land.

Interest alienated with special condition as to revenue liability.

14. No proprietor who has alienated any portion of his interest in an estate, or in any specific lands of an estate, by private contract, with the condition that the transferee shall be liable in respect of the interest acquired by him to pay a specified amount or a specified share of the land revenue for which the estate is liable (such amount or share being other than the proportionate amount or the proportionate share for which such transferred interest if formed into a separate estate would be liable under the provisions of section six);

and no proprietor who has derived his title from any proprietor who has made any alienation as aforesaid,

shall be entitled to claim a separation under this Act of the interest which he continues to hold in the estate;

and no such transferee as aforesaid, and no person deriving his title from such transferee shall be entitled to claim a separation of the interest which has been so acquired;

provided that a separation of such interests may be made if the parties concerned agree to waive the conditions of the contract as regards the proportion of revenue for which the transferor and transferee or their representatives respectively are liable, and to hold the estates which may be allotted to them respectively by the partition, subject to the payment of such amount of land revenue as may be assessed upon them respectively by the revenue authorities under this Act.

Arrears of revenue may be realized by sale of parent estate.

15. Notwithstanding that a parent estate may have been declared to be under partition as provided in section thirty-one, any arrears of revenue accruing due on such estate before the date specified in the notice issued under section one hundred and twenty-three may be realized by sale of the parent estate as if such estate had not been declared to be under partition; and if such sale takes place, the partition proceedings shall cease from the date thereof.

Shares may be protected from liability for arrears under laws in force.

16. Nothing contained in the last preceding section shall be deemed to affect the provisions of sections 10, 11, 12, 13, or 14 of Act XI of 1859 (*an Act to improve the law relating to sales of lands for arrears of revenue*), or any provisions of any similar law for the time being in force in respect to the opening of separate accounts for different shares in an estate, and the protection afforded to such shares thereby;

provided that, if any share in any estate is sold for its own arrears of revenue while such estate is under partition in accordance with the provisions of this Act, such share shall be sold subject to the partition proceedings, which shall proceed as if no such sale had taken place; and the purchaser of the share sold may, from the date of such sale, exercise all the rights which the proprietor whose share he has purchased might have exercised, and shall be subject to all the liabilities to which such proprietor would have been subject in respect of the partition proceedings.

When share to be sold subject to partition proceedings.

PART III.

Application for Partition, Admission of an Estate to Partition, and Discontinuance of Partition Proceedings after such Admission.

17. All applications for partition shall be made to the Collector of the district on the revenue-roll of which the estate is borne, and shall be made in person, or by duly authorized agent, on paper bearing such stamp as may be required by any law for the time being in force.

Application for partition to be made to Collector of the district.

18. The application shall be signed by the applicant, and shall supply the following information in regard to the parent estate, so far as the particulars are known to the applicant or can be ascertained by him :—

Application to be signed, and certain particulars specified.

(*a*) name of the estate;

(*b*) number under which the estate is borne on the revenue roll, and the revenue demand for which it is liable;

(*c*) number under which the estate is borne on the Collector's General Register of revenue-paying lands;

(*d*) name and address of every proprietor, whether recorded or unrecorded;

(*e*) the character and extent of the interest of which each proprietor is in possession;

(*f*) a specification of any lands held by all or any of the proprietors of the parent estate in common with all or any of the proprietors of other estates, and of the rights of such proprietors respectively in such lands.

19. Subject to the provisions of section sixty-one, every application shall, if possible, be accompanied by a copy of the rent-roll of the estate, by a statement of the rents collected from such estate on behalf of the applicant during each of the three years immediately preceding such application

Application must be accompanied by copy of rent-roll and statement of rents.

and by copies of any measurement papers of the estate which the applicant may have in his possession.

Attestation of rent-roll, etc.

The said rent-roll, statement, and measurement papers shall be attested by the patwaris of the villages, if any, and every such application, rent-roll, and statement shall be presented, subscribed, and verified as provided in section fifty-two.

Applicant must state reason for non-production of rent-roll.

If the applicant is unable to produce a rent-roll or statement as above required, he shall state the reason of such inability, and the name and address of the person who has in his possession the information necessary for the preparation of such rent-roll and statement, and the Collector may, if he shall think fit, require such person to produce such rent-roll and statement.

Collector may reject application.

20. If the application does not fulfil the requirements of the three last preceding sections, the Collector may reject such application or may order it to be amended.

Procedure of Collector on receipt of application.

21. If in the opinion of the Collector the application fulfils the said requirements, and there appears to be no objection to making the partition, the Collector shall publish a notification of the application in the manner prescribed in section one hundred and thirty-four, and shall also cause copies thereof to be posted up at the Court of the Judge of the district, at the Court of every Moonsiff and Sub-divisional Officer within whose jurisdiction, and at every Police Station within the jurisdiction of which any lands appertaining to the estate are known to be situated, and shall invite any person claiming any proprietary right in the estate, who may object to the partition, to state his objection either in person, or by duly authorized agent, on a day to be specified in the notification, not being less than thirty or more than sixty days from the date of the publication of the notification on the estate.

Notice to proprietors who have not joined therein.

22. Notice of the application shall also be served in the manner prescribed by section one hundred and thirty-five on such of the recorded proprietors of the estate as shall not have joined in the application, and on any other proprietor who may have been named in the application.

If valid objection made within time allowed, application may be refused.

23. If any objection be made to the partition by any person claiming a proprietary right as aforesaid on or before the day specified in the notification published under section twenty-one, or at any subsequent time if it shall seem fit to the Collector to admit such objection, and the Collector, on consideration of such objection, shall be of opinion that there

is good and sufficient reason for rejecting the application, he may reject the same, and in that case shall record the grounds of such rejection.

Procedure when objection raises any question of title or right.

24. If the objection raises any question of the extent of interest, or of right or title as between any applicant and any other person claiming to be a proprietor of the parent estate, and if it shall appear to the Collector that such question has not been already determined by a Court of competent jurisdiction, the Collector may hold such inquiry as he may deem necessary into the objection, and, if he be satisfied that the applicant is in possession of the extent of the interest for the separation of which he has applied, may, instead of rejecting the application as provided in the last preceding section,

(*a*) direct that the partition proceedings shall proceed for the purpose of forming and assigning to the applicant a separate estate in accordance with the extent of interest claimed by him in the parent estate; or

(*b*) direct that such proceedings be postponed for four months.

When Collector to resume proceedings.

25. At the expiration of the said four months, the Collector shall resume the proceedings, unless the person who has made the objection, or some other person, shall have obtained an order from a Civil Court directing that such proceedings be stayed, or shall be able to show that a suit has been instituted before such Court to try some question, of such nature that the Collector shall think fit to stay the proceedings until the question shall have been finally decided, or until the proceedings in such Court in respect thereof shall have terminated.

Suit in Civil Court when not to affect proceedings taken under this Act.

26. No suit instituted in a Civil Court by any person claiming any right or title in the parent estate, after the lapse of four months from the issue of an order of the Collector under clauses (*a*) and (*b*) of section twenty-four, or after the lapse of four months from the issue of an order of the Collector under section thirty-one declaring the estate to be under partition, shall avail to stay or affect the progress of any proceedings which shall have been taken under this Act for the partition of an estate; and all rights which may be conferred on any person by the final decree in such suit shall be subject to such proceedings in the manner hereinafter provided.

Form and effect of decree made while partition proceedings are in progress.

27. Every decree passed in such suit after the parent estate shall have been declared to be under partition as provided in section thirty-one, but before the date specified in the notice under section one hundred and twenty-three, shall be made in recognition of the proceedings then in progress under this Act for the partition of such parent estate, and shall

be framed in such manner that the provisions of such decree may be applied to, and may be carried out in reference to the separate estates which the Collector in his proceeding under section thirty-one shall have ordered to be formed out of the parent estate;

and if the effect of any such decree be to declare any person or body of persons entitled to any extent of interest in such parent estate in excess of the extent of interest which the Collector in the said proceeding has declared to be held by such person, or body of persons, such decree shall specify, separately in respect of every proprietor or body of proprietors of whose interests the Collector has separately specified the extent in the said proceeding, the proportion of such excess which such person or body of persons is entitled to recover from every such proprietor or body of proprietors;

and every person or body of persons so declared entitled to recover any extent of interest from any such proprietor or body of proprietors shall, for the purposes of the partition proceedings, be deemed to have the same rights, and to be subject to the same liabilities as a person who has acquired such extent of interest from such proprietor or body of proprietors by private purchase after the estate was brought under partition under section thirty-one, and on the date on which the decree was passed;

and such person or body of persons may apply, as in this Act provided, for the separation and assignment to him, or them, of the lands representing the extent of interest so acquired;

and such application shall be dealt with as provided in section thirty-two.

Decree made after partition proceedings completed.

28. Every decree passed after the date specified in the notice under section one hundred and twenty-three, in a suit which was instituted as mentioned in section twenty-six, shall be made in recognition of the partition proceedings, and shall be framed in such manner as to give effect to such division of the parent estate into separate estates as shall have been made by the Collector, and not to disturb such division;

and if the effect of any such decree shall be to declare any person or body of persons to have been entitled to any extent of interest in the parent estate in excess of the extent of interest which is represented by the separate estate assigned to such person or body of persons by the Collector in the partition proceedings, such decree shall specify, separately in respect of the proprietor or joint proprietors of every separate estate formed by the partition, the proportion of such excess of interest which such person or body of persons is entitled to recover from such proprietor or

joint proprietors; and every person or body of persons so declared entitled to recover any extent of interest from the proprietor or joint proprietors of a separate estate shall be entitled to recover such extent of interest out of the separate estate which has been assigned to such proprietor or joint proprietors, and out of such separate estate only;

Execution of such decree.

and every such decree as aforesaid shall be executed by placing the person or persons so declared entitled to recover in the position of a recorded joint proprietor or recorded joint proprietors of such separate estate, holding the same as a joint undivided estate in common tenancy with the proprietor or joint proprietors to whom such separate estate was assigned by the Collector in the partition proceedings, the extent of the interest of the joint proprietors respectively in such estate being such as is declared in the aforesaid decree.

Civil Court may order partition.

29. Subject to the provisions of section eleven, a Civil Court may at any time direct the Collector to assign to any person lands representing a specified interest in any estate, or in any specified village or tract of land in an estate, to be held by such person as a separate estate, or to divide off from any estate any specified villages or lands, and to assign them to any person to be held as a separate estate, provided that an application for such partition and separation shall be presented by such person, as required by sections seventeen, eighteen, and nineteen; but no Civil Court shall in any case specify the amount of revenue for which any separate estate which it may direct to be formed under the provisions of this section shall be liable.

Collector to assess land revenue in accordance with this Act.

30. The Collector shall assess the land revenue on every such separate estate in accordance with the provisions of this Act, and no Civil Court shall direct the Collector to carry out a partition otherwise than in accordance with the provisions of this Act.

When Collector may declare the estate to be under partition.

31. If no objection be made within the time allowed under section twenty-one to an application for partition, or when all objections have been disposed of, and if the Collector has no reason to believe that any obstacle exists to his making the partition as applied for, he shall direct that the application be admitted, and record a proceeding declaring the estate to be under partition, for the purpose of forming and assigning to the applicant a separate estate.

In such proceeding the Collector shall declare the extent of interest in the parent estate which he finds to be held by the applicant or joint applicants;

and, if more than one separate application for separation shall have been made and admitted, the extent of interest which he finds to be held by every separate applicant or body of joint applicants respectively;

and also the extent of interest which remains to any recorded proprietor, or to any number of recorded proprietors who are not applicants;

and shall order that lands proportionate to the interest so declared to be held by each applicant, or body of joint applicants respectively, shall be formed into a separate estate, to be assigned to such applicant or body of joint applicants;

and that lands proportionate to the interest so declared to remain to the recorded proprietor, or the number of recorded proprietors who are not applicants, shall be left forming a separate estate.

Subsequent application for separation of another share.

32. If at any time after the Collector has made an order for partition under the last preceding section, any recorded proprietor in the estate, other than the original applicant, shall apply for the separation of this share, the Collector may either order that the proceedings for effecting such separation shall be carried on simultaneously with those for separating the share of the original applicant, or, if he consider that such a course would entail delay in the completion of the original proceedings, he may order that no action shall be taken on such subsequent application until after the proceedings for the separation of the original applicant's share shall have been completed.

In the latter case all or any of the rent-rolls, measurements, and other papers which were used in the separation of the original applicant's share, may be used, as far as they are applicable, in the partition for which subsequent application has been made.

Collector may refer application for partition to any Deputy Collector.

33. The Collector may refer any application for partition to a Deputy Collector for the purpose of making any enquiries and doing anything required by this Part; provided that every order—

(*a*) rejecting an application under section twenty-three;

(*b*) directing, under section twenty-four, that the partition shall proceed, or shall be postponed;

(*c*) directing, under section thirty-one, that an application for partition be admitted, and declaring an estate to be under partition;

(*d*) made under the first clause of the last preceding section;

(*e*) appointing a Deputy Collector under the next succeeding section to carry out the partition;

shall be passed by the Collector and not by any Deputy Collector.

34. As soon as the Collector has declared an estate to be under partition as provided in section thirty-one, he may appoint a Deputy Collector to carry out the partition, and all or any of the proceedings necessary thereto.

As soon as estate declared to be under partition, Collector may appoint Deputy Collector.

35. If, at any time after an order shall have been passed for making a partition, all the recorded proprietors of the estate shall present a petition to the effect that they do not wish the partition to proceed, the Collector may, on the report of the Deputy Collector or otherwise, strike the partition case off the file, on payment by the proprietors of all costs and expenses incurred in and about such partition; and any such costs and expenses which shall not already have been levied as provided in section thirty-nine or section forty, shall be levied in proportion to the shares of the respective proprietors.

Partition may be stayed if parties so desire. Recovery of costs.

36. If at any time after an order shall have been passed for making a partition, it shall appear from information which was not before the Collector at the time the partition was ordered, or otherwise, that any sufficient reason exists why the partition should not be proceeded with, the Commissioner may, on the report of the Collector or otherwise, after issuing a notice calling on the persons interested to show cause why the partition should not be struck off the file, and after considering any objections which may be made, order the partition case to be struck off the file; and in such case any costs and expenses of the partition which shall not already have been levied as provided in section thirty-nine or section forty shall be levied in proportion to the shares of the respective proprietors.

Partition may be stayed and proceedings quashed by Commissioner.

PART IV.

Establishments for effecting Partitions and Cost thereof.

37. For the purposes of this Act, the Deputy Collector may, with the approval of the Collector, and subject to any rules made in that behalf by the Board, appoint such establishments as may be required for making the measurement and survey of lands, for ascertaining and recording the rates of rent, for making any other local inquiries, for the preparation of the papers, and for other matters in each case; and the Collector may appoint such peshkars or other superior officers as may be required to test the work of the Ameens, and for the performance of similar duties; provided that the scale of remuneration of such officers, and the time for which they shall be employed, shall be sanctioned by the Commissioner.

Deputy Collector may appoint officers for making measurement of lands, &c.

38. In any district or division in which partitions may be so numerous or so extensive as to render necessary the appointment of special establishments in the office of the Collector or of the Commissioner, the Collector and the Commissioner may, with the sanction of the Board, appoint such establishments.

Special establishments may be appointed.

39. As soon as possible after an estate has been declared to be under partition as provided in section thirty-one, the cost of making the partition shall be estimated, and the amount shall be levied from the proprietors in such instalments and at such times during the progress of the partition as may be fixed in accordance with any rules which the Board may make in that behalf.

Cost of partition to be levied from proprietors in accordance with rules laid down by the Board.

If the amount first estimated is found insufficient, supplementary estimates may be made from time to time, and the required amount may be levied as above provided.

40. The cost shall be apportioned on the proprietors of each share in proportion to their shares; but whenever it shall appear to the Commissioner that the partition proceedings have been unnecessarily delayed, and the cost of the partition enhanced by obstacles vexatiously put in the way of their completion by one or more of the proprietors, or by want of due diligence on the part of one or more of the proprietors in carrying out any requisitions made upon him or them, the Commissioner may direct that such portion of the cost as he may think proper in excess of the amount proportionate to his or their share shall be levied from such proprietor or proprietors.

Apportionment of costs.

41. Whenever any local enquiry may be held by the Deputy Collector or any other officer, in consequence of an objection raised by any person to any record of measurements, rent-rolls, or other information which has been laid before the Deputy Collector, the Deputy Collector may declare the cost which has been incurred by such enquiry, and may direct that the entire cost so declared shall be paid by the person making the objection or by any one of the proprietors, or that such cost shall be paid in such proportions as he shall think fit, by the said person and the proprietors or any of them, or that such cost be deemed a part of the general cost of making a partition as prescribed in section thirty-nine.

Deputy Collector may declare cost of local enquiry.

42. Upon the completion of the partition, the Collector shall make an order declaring the total cost thereof. The account shall then be adjusted, either by returning to the proprietors any sums which they may have paid in excess

After completion of partition Collector to declare total cost thereof.

of the total cost, or by levying from them in the manner provided in section one hundred and thirty-eight, if necessary, any sums remaining due.

Salary of Deputy Collectors when to be deemed part of cost of partition.

43. Whenever it shall appear to the Lieutenant-Governor that in any district the work required to be done by Deputy Collectors in connection with partitions under this Act is so great that such work would, if concentrated in the hands of one or more Deputy Collectors, fully occupy the time of such one or more Deputy Collectors, the Lieutenant-Governor may make an order directing that the salary of such one or more Deputy Collectors, as the case may be, shall be recovered from the proprietors of estates under partition in such district as part of the cost of such partitions, and thereupon such charge as the Collector may think fit to make in respect of such salary shall, in addition to the items mentioned in the last preceding section, be deemed to be a portion of the costs of every partition.

For the purposes of this section the salary of every Deputy Collector shall be deemed to be the amount of salary which is drawn by a Deputy Collector of the lowest grade.

What are costs leviable from proprietors.

44. For the purposes of sections thirty-nine, forty, and forty-two, the costs of any partition shall be deemed to be

(*a*) the cost of any establishments entertained for the partition under section thirty-seven, or such amount as the Collector may think proper in respect of the services of any such establishments which are entertained for the purposes of making partitions in the district;

(*b*) all contingent expenses incurred in and about the partition, and

(*c*) such portion of the cost of any establishment entertained under section thirty-eight as the Collector may order.

Lieutenant-Governor may direct "Estates' Partition Fund" to be formed.

45. Notwithstanding anything contained in the eight last preceding sections, the Lieutenant-Governor may direct that in any district a fund to be called the "Estates' Partition Fund" shall be formed, into which all sums levied from the proprietors of estates in respect of partitions of their estates shall be paid.

Whenever such a fund shall have been established in any district, all expenses of making partitions of estates in such district shall, except as hereinafter otherwise provided, be defrayed from such fund.

Procedure when Estates' Partition Fund is formed in any district.

46. Whenever the Lieutenant-Governor shall have ordered an "Estates' Partition Fund" to be formed in any district, the charges leviable from the proprietors of any estate under partition may be estimated and levied according to the estimate in each case as provided in sections thirty-nine and forty, subject to final

adjustment, as provided in section forty-two; or they may be levied according to a general scale of fees to be fixed by the Board.

Scale of fees.

47. Such scale of fees shall be fixed as nearly as may be, so that the receipts and expenditure of the said fund shall balance one another, and shall be revised from time to time by the Board for that purpose.

Such fees shall be levied from the proprietors in such instalments and at such times during the progress of the partition as may be fixed in accordance with any rules which the Board may make in that behalf, and the provisions of section forty shall be applicable to such fees.

Abstract of Estates' Partition Fund to be published.

48. An abstract of the Estates' Partition Fund of each district made up to the end of each year shall be published in the *Calcutta Gazette*, and by being posted up at the office of the Collector of the district.

What costs of partition chargeable to Estates' Partition Fund.

49. For the purposes of sections forty-five, forty six, and forty-seven, the expenses of making partitions in any district shall be deemed to be

(*a*) the cost of all establishments entertained in the district under section thirty-seven;

(*b*) all contingent expenses incurred in all partitions in the district;

(*c*) the cost of any special establishment appointed in the office of the Collector under section thirty-eight;

(*d*) such portion as the Commissioner may direct of the cost of any special establishment appointed in his office under section thirty-eight;

(*e*) the salary of any one or more Deputy Collectors which the Lieutenant-Governor may have ordered under section forty-three to be recovered from the proprietors of estates under partition.

Civil Court may in certain cases order parties to pay expenses incurred in dividing an estate.

50. Whenever any Civil Court shall make a decree awarding or declaring any proprietary right in an estate, and shall require the Collector to make a partition of the estate, such Court may at the same time direct,

that the party or parties who may have withheld the right so decreed shall defray the whole of the expense which may be incurred in and about the partition, or the whole of the fees payable in respect of the partition under section forty-six,

or that the said expenses or fees shall be defrayed by all or any of the parties to the suit in which the decree was made in such proportions as the

Court may, from a consideration of the particular circumstances of the case, deem equitable.

Court to transmit copies of orders to Collector.

Copies of all orders which the Court may pass under this section shall be transmitted to the Collector for his guidance, together with the precept which the Court may issue to him requiring him to divide the estate; and the Collector shall levy the said expenses and fees from the parties in the proportion ordered by such Court in the same manner and by the same means as if the levy of such expenses and fees had been ordered by the Collector.

PART V.

Partition Proceedings up to the adoption of a Rent-roll and Measurement Papers.

As soon as estate declared to be under partition, Deputy Collector shall cause notification to be published.

51. As soon as the Collector shall have made an order under section thirty-one declaring an estate to be under partition, the Deputy Collector shall cause a notification to be published in the manner prescribed by section one hundred and thirty-four, and shall also cause copies thereof to be posted up at the Court of the Judge of the district in which any lands appertaining to the parent estate are known to be situated, and at the Court of every Moonsiff and of every Sub-divisional Officer within the jurisdiction of whom, and at every police station within the jurisdiction of which, any such lands are known to be situated, intimating his intention to proceed with the partition, and requiring all the proprietors of the estate to produce before a certain date, being not less than forty days from the date of such notification, either jointly or separately, copies of their rent-rolls and statements of the rents collected during each of the three years next preceding, and also copies of any measurement papers of the estate which may be in their possession.

A notice to the same effect shall also be served as provided in section one hundred and thirty-five on each proprietor of the parent estate.

The Deputy Collector may, on sufficient grounds for so doing being shown to his satisfaction, from time to time extend the period for producing any such return.

Rent-roll filed by a proprietor to be subscribed and verified.

52. Every rent-roll, statement of rents collected, and measurement paper furnished to the Collector under this Act shall be presented by the person who is required to produce the same or by a duly authorized agent of such person who has a personal knowledge of the facts stated therein, and shall be subscribed and verified at the foot by such person or such agent in the manner following, or to the like effect:—

"I, A. B., do declare that this rent-roll (*statement, or measurement paper*) is correct to the best of my knowledge and belief."

If the rent-roll, statement, or measurement paper shall contain any entry which the person making the verification shall know or believe to be false, or shall not believe to be true, such person shall be subject to punishment according to the law for the time being in force for the punishment of giving or fabricating false evidence.

Procedure if person required cannot produce rent-roll or statement.

53. If any proprietor who is required to produce any rent-roll or statement by notice as aforesaid is unable to produce such rent-roll or statement, he shall state to the Deputy Collector the cause thereof and the name and address of the person who has in his possession the information necessary for the preparation of such rent-roll and statement, and the Deputy Collector may, if he shall think fit, require such person to produce such rent-roll and statement.

Deputy Collector may order measurement of land and may test rent-roll.

54. The Deputy Collector may, if necessary, make, or may cause to be made, a measurement of all or any of the lands comprised in the estate, and may prepare or cause to be prepared a rent-roll, and may test or cause to be tested on the spot any rent-roll which has been produced as aforesaid, and may make or cause to be made any local inquiry which he may consider necessary.

Deputy Collector to summon proprietors by proclamation to attend proceedings.

55. Before proceeding or deputing the Ameen to the spot, the Deputy Collector shall publish a notification in the manner prescribed by section one hundred and thirty-four, requiring the several proprietors of the estate, their managers, and any other persons employed in the management of the land, or otherwise interested therein, to attend in person or by agent upon him, or upon the Ameen who is deputed to make the measurement or inquiry, for the purpose of pointing out boundaries and of affording such assistance and information as may be required for the purposes of this Act.

Deputy Collector and Ameen may require attendance of proprietor or any other person.

56. The Deputy Collector, and any Ameen or other person who is specially authorized in that behalf by the Collector, may, by a notice served as provided in section one hundred and thirty-five, require any proprietor or other person whose attendance may be required to attend before the Deputy Collector or Ameen who is making such measurement or inquiry within a specified time at any place for any of the purposes aforesaid.

Deputy Collector to test Ameen's work.

57. If any objection be made to a measurement, map, or rent-roll prepared by the Ameen, or if for any other reason it seems desirable, the Deputy Collector shall, as soon as possi-

ble after completion of the Ameen's work, himself test, or shall cause to be tested on the spot, such measurement, map, and rent-roll, and may accept, amend, or reject the same, or any of them. If the Deputy Collector shall deem it necessary, he may cause the work or any portion thereof to be done again.

Examination of the parties.

58. The Deputy Collector may examine any person on solemn affirmation in regard to the papers produced before him, whether by the proprietors, by the ameen, or otherwise, and shall allow the parties concerned to put any necessary questions to such person.

Partition papers.

The Deputy Collector shall also allow any proprietor or other person interested to examine the papers so produced, and to take a copy of the same, and after such examination shall hear any objections which any of the persons interested may make in respect of such papers, and shall decide whether any, and (if any) which of the papers as they stand, or with such modifications as he may think necessary, shall be accepted as correct for the purposes of the partition.

Power of Deputy Collector if proprietor fails to file rent-roll.

59. If any proprietor who has been required to produce a rent-roll or statement under section fifty-one, fails to produce the same after the imposition on him of a fine under section one hundred and thirty-seven for thirty days, or fails to state to the Deputy Collector the name and address of any person under section fifty-three, the Deputy Collector may declare that the said proprietor shall, for the purposes of the partition, be bound by such rent-roll as the Deputy Collector may adopt as the basis of the partition as hereinafter provided, and after such declaration any officer exercising authority under this Act may refuse to entertain any objection which such proprietor may make to such rent-roll.

Power of Deputy Collector, if person fails to produce rent-roll.

60. If any person who has been required to produce a rent-roll or statement under section fifty-three shall fail to produce the same after the imposition on him of a fine under section one hundred and thirty-seven for thirty days, the Deputy Collector may declare that the proprietor who may have stated the name of such person under section fifty-three shall, for the purposes of the partition, be bound by the rent-roll which the Deputy Collector may adopt for the basis of the partition as hereinafter provided, and after such declaration any officer exercising authority under this Act may refuse to entertain any objection which such proprietor may make to such rent-roll.

Collector may dispense with rent-roll, maps, and other papers.

61. Notwithstanding anything contained in this Act, if it shall appear to the Deputy Collector that any measurements, maps, rent-rolls, or other papers relating to the estate which have been prepared otherwise than for the purposes of the partition, or otherwise than for the purposes of this Act, afford information sufficiently trustworthy to enable him to effect the partition, the Deputy Collector may adopt such information and such papers either wholly or in part for the purposes of the partition, and may dispense with any rent-rolls, maps, or other papers for which he is authorized to call, or which an applicant is required to produce under this Act.

Proprietor who has failed to attend shall not be entitled to object subsequently.

62. No proprietor or other person, who shall have failed to attend in person or by agent during the measurement as required by the notification published under section fifty-five, shall be entitled at any subsequent time to make any objection to such measurement; but the Collector may admit any objection made by such proprietor or person if he think fit, provided that any expense entailed by a local inquiry made in consequence of such subsequent objection shall be paid entirely by such proprietor or person.

Notification of date for deciding the mode of partition.

63. When the Deputy Collector is finally satisfied that the papers before him, whether rent-rolls, measurement papers, maps, or other papers, are sufficient and sufficiently correct to be accepted or adopted for the purposes of the partition, he shall make an order to that effect, and shall fix a day on which to determine the general arrangement of the partition, and shall publish a notification in the manner prescribed by section one hundred and thirty-four, calling on all the proprietors to be present on the day so fixed, such day being not less than thirty or more than sixty days after the publication of the notification in his office, and shall serve a notice to the same effect on each proprietor or his agent.

PART VI.

Partition by Amicable Arrangement or by Arbitration.

Deputy Collector may allow parties to make a private partition.

64. On the date fixed under the last preceding section, if a petition to that effect signed by all the recorded proprietors shall have been presented, the Deputy Collector may allow such proprietors to make a private partition of the estate amongst themselves on the basis of the papers which have been accepted or adopted for the purposes of the partition by the Deputy Collector, or may refer the partition to be made by an arbitrator or arbitrators on such basis.

If the proprietors who have elected to make such private partition shall fail to make the same within such time as may be fixed by the Deputy Collector, the Deputy Collector may refer the partition to be made by an arbitrator or arbitrators, or may make the partition himself.

In case of failure, Deputy Collector may refer to arbitration.

65. Wherever any partition shall have been referred to arbitration, the proceedings shall be conducted in accordance with the provisions of *sections 506 to 522 (both inclusive) of the Code of Civil Procedure, as far as those provisions are applicable, and except as herein otherwise expressly provided.

Procedure on reference to arbitration.

66. The arbitrators shall deliver, within a time to be fixed by the Deputy Collector, which time may be further extended by him, a full and complete paper of partition, in such form as may be prescribed by the Board for partitions made by the Collector or Deputy Collector.

Arbitrators to deliver a partition paper.

67. The arbitrators, on delivering the paper of partition as aforesaid, shall be entitled to reasonable fees for their services, the amount of which shall be fixed, with the approval of the Commissioner, by the officer making the reference to arbitration, and shall be considered to form part of the cost of making the partition.

Remuneration of arbitrators.

68. Every partition made under the provisions of this Part by the parties, or by arbitrators appointed by them, shall be subject to the approval of the Deputy Collector and to the confirmation of the Collector and the orders of the superior revenue authorities; provided that neither the Deputy Collector nor any other authority shall disallow any partition so made on any other ground than that of fraud, or that, in the opinion of the Deputy Collector or such other authority, the partition cannot be confirmed without endangering the safety of the land revenue.

Partition made under this Part to be subject to approval of Collector, and superior revenue authorities.

69. Whenever a partition has been made under the provisions of this Part, the land revenue shall be assessed by the Collector on each separate estate into which the parent estate is divided by such partition in the manner prescribed by section six.

Land revenue to be assessed by Collector.

70. If the paper of partition be not delivered within the time fixed by the Deputy Collector, or within any further period to which the time may have been extended, the Deputy Collector may withdraw the case from arbitration and may make the partition himself.

In default of delivery of partition paper Collector may withdraw case from arbitration.

---

* Act No. X of 1877, section 3 para. 2.

PART VII.

PROCEDURE FROM THE DETERMINATION OF THE GENERAL ARRANGEMENT OF THE PARTITION BY THE DEPUTY COLLECTOR TO THE APPROVAL OF THE PARTITION BY THE COLLECTOR.

Procedure when no petition presented under section 64.

71. If no petition shall have been presented under section sixty-four, the Deputy Collector shall, on the date fixed under section sixty-three, or on any other date to which the hearing may have been postponed by a notice posted at the office of the Deputy Collector, consult orally each proprietor present, and endeavour, as far as possible, with the concurrence of the proprietors present, to settle a general arrangement of the partition in accordance with the requirements of this Act.

For this purpose he shall endeavour to obtain from each proprietor an acknowledgment of his acceptance of the rent-roll, map, and any other papers which have been adopted by the Deputy Collector for the purposes of the partition, and shall briefly record the objections of any proprietor who still objects to accept such rent-roll, map, or other papers.

Deputy Collector may postpone settlement of general arrangement of partition.

72. If, in consequence of any objections made before the Deputy Collector has settled the general arrangement of the partition as provided in the last preceding section, the Deputy Collector considers it necessary to make further inquiry, he may, by notice to the recorded proprietors, postpone the settlement of the general arrangement of the partition to a date being not less than fifteen days from the service of the notice on any proprietor.

Deputy Collector may award compensation for attendance to proprietor.

73. If the objections on account of which the said settlement is postponed are such that the person making the same might have made them on an earlier day, the Deputy Collector may award to each proprietor, who shall have attended in person or by agent in accordance with the notice, such sum, not exceeding sixteen rupees, as he shall think fit by way of compensation for such attendance.

The sum so awarded shall be paid by the person making the objections as aforesaid, and may be recovered from him in the manner provided by section one hundred and thirty-eight.

If no postponement made, Deputy Collector to determine the general arrangement of the partition.

74. If the objections have already been enquired into and disposed of, or are such as not to render necessary any further enquiry and postponement, or when any objections which may require further enquiry have been disposed of, the Deputy Collector shall record an order to that effect,

and, after hearing what each proprietor present may urge, shall hold a proceeding determining the general arrangement of the partition and the mode in which the parent estate shall be divided, and, in a general way, the position of the lands which shall be assigned to each of the separate estates.

In determining the general arrangement of the partition, the Deputy Collector shall be guided by the rules which are laid down in Part VIII, and shall direct the partition to be made in the manner which, in his opinion, is on the whole most in accordance with such rules, and most equitable and most convenient to all parties concerned.

General arrangement of partition to be submitted for sanction of Collector.

75. The general arrangement of the partition, as determined under the last preceding section, shall be submitted for the sanction of the Collector, who shall by notice fix a date for the consideration of the same, not being less than fifteen days after the publication of the said notice in his office, and after hearing and disposing of any objection which may be preferred, shall pass such orders as he may think proper, setting aside, amending, or approving the general arrangement made by the Deputy Collector.

Deputy Collector to fix boundaries.

76. When the general arrangement has been approved by the Collector, the Deputy Collector shall proceed to fix the exact boundaries of each separate estate, after considering the wishes which the parties may express in respect thereof.

Deputy Collector to draw up paper of partition and map.

77. When the Deputy Collector shall have so determined the boundaries, he shall cause to be drawn up a paper of partition specifying in detail the villages and lands which he has included in each of the separate estates, the rental thereof, with any other assets of each separate estate, the name or names of the recorded proprietor or proprietors of each separate estate, any stipulations which may have been made regarding places of worship, tanks, or other matters as mentioned in Part VIII, and the amount of land revenue to be assessed on each separate estate; he shall also prepare a map showing the lands which fall within each separate estate and the boundaries thereof, unless the preparation of such map shall be dispensed with by special permission of the Collector.

Deputy Collector to submit papers to Collector.

78. The Deputy Collector shall submit the partition paper and map as aforesaid, and all other papers of the partition, to the Collector, with a full report of the proceedings taken, the reasons which influenced the Deputy Collector in selecting the lands included in each separate estate, the nature of the

accounts upon which the apportionment of the land revenue assessed thereon has been based, and all other particulars material to the case.

Deputy Collector to prepare extracts of partition papers for each proprietor.

79. The Deputy Collector shall at the same time cause to be prepared a separate extract of the portion of the partition paper which relates to each separate estate,

and shall cause to be tendered to any recorded proprietor of a separate estate, or any authorize agent of such proprietor, who may be in attendance at the Deputy Collector's office, the extract which relates to such separate estate;

and the Deputy Collector shall publish a notice at his office calling upon every proprietor to whom or to whose agent an extract from the partition paper has not been tendered as above mentioned, to take out of the Deputy Collector's office the extract of the portion of the partition paper relating to his separate estate.

If the circumstances of the partition so require, an extract of the map prepared by the Deputy Collector, or a copy of such map, shall be annexed to every separate extract from the partition paper herein mentioned.

On receipt of papers and report Collector to publish notification.

80. On receipt of the papers and report mentioned in section seventy-eight, the Collector shall cause a notification to be published, in the manner prescribed by section one hundred and thirty-four, fixing a date, not being less than six weeks from the date of the publication of such notification on the parent estate, on which he will proceed to take up the case, and to consider any representations and objections which may be preferred in respect of the partition made by the Deputy Collector, and calling on all parties concerned who may wish to do so, to inspect the papers at his office before such date, and to take copies of any such papers as they may require.

The Collector shall also cause a notice to the same effect to be served on each of the recorded proprietors.

Procedure of Collector thereupon.

81. On the date so fixed, or on any other date to which the hearing may have been postponed, the Collector shall take into consideration the papers as laid before him, and after calling for any further information which he may deem necessary, and disposing of any objections which shall be made to the proposed partition and allotment of land revenue, may approve the partition as made by the Deputy Collector with such amendments as he may think proper, or return it for amendment to the Deputy Collector who made it, or to another Deputy Collector, or make a fresh partition himself.

The Collector may return the said papers for amendment or enquiry as often as he may think fit.

Proprietor when not entitled to make subsequent objection.

82. No proprietor who shall have failed to appear before the Deputy Collector in person or by agent on any date fixed for the arrangement of the partition under section sixty-three or section seventy-two, and no proprietor who shall have failed so to appear before the Collector on any date fixed under either of the two last preceding sections, shall be entitled, at any subsequent time, to make any objection to the orders which may be passed on such dates respectively.

Collecort may cause a fresh partition paper and map to be prepared.

83. When the Collector approves the partition made by the Deputy Collector with amendments, he may cause a fresh partition paper and map to be prepared, or may cause the amendments made by him to be noted on the paper and map submitted by the Deputy Collector.

When the Collector makes a fresh partition himself, he shall cause a fresh partition paper and map to be prepared.

Procedure when Collector approves of a partition.

84. Whenever the Collector shall have approved a partition (whether with or without amendments), he shall cause a notice to be served on each of the recorded proprietors that the papers will be submitted at once for confirmation of the partition by the Commissioner, and that any appeals or objections must be presented to the Commissioner, or to the Collector for transmission to the Commissioner, within thirty days of the date of the service of the said notice, or, if the Collector has approved the partition with amendments, and the notice requires the proprietor to produce the extract of any partition in order that amendments may be noted thereon, or to take out a fresh extract from the partition paper, as provided in the next succeeding section, then within six weeks of such date.

Procedure when Collector approves of a partition with amendments.

85. Whenever the Collector shall have approved a partition with amendments, and shall under section eighty-three have caused such amendments to be noted on the partition paper and map submitted by the Deputy Collector, the notice to be served on each of the recorded proprietors under the last preceding section shall, in the case of every such proprietor whose separate estate is affected by such amendment, in addition to the particulars mentioned in the said section, require such proprietor to produce before the Collector, within fifteen days of the service of such notice, the extract from the paper of partition which has been prepared, and any map relating to his separate estate which may have been prepared, under section seventy nine,

in order that the amendments made by the Collector in the partition may be noted thereon; and such amendments shall be noted thereon by the Collector accordingly, and such extract and map shall be returned to the proprietor who produced them.

Whenever the Collector shall have caused, under section eighty-three, a new partition paper and map to be prepared, he shall order separate extracts from the portions of the partition paper which relate to each separate estate and maps, if necessary, to be prepared as required by section seventy-nine, and in such case the notice served under the last preceding section shall, in addition to the particulars mentioned in that section, declare the extracts and maps which were furnished or offered to proprietors under section seventy-nine to be cancelled, and shall require the recorded proprietors to take out of the Collector's office such extracts and maps relating to their respective separate estates.

Papers to be forwarded to Commissioner.

86. As soon as practicable after the issue of the notice under section eighty-four, the Collector shall forward to the Commissioner all papers relating to the partition as approved or as made by the Collector.

PART VIII.

GENERAL PRINCIPLES ON WHICH PARTITIONS SHALL BE MADE.

Rules applicable to the partition of lands which are held by the proprietors in common tenancy.

Estates formed in course of partition to be as compact as possible.

87. Each separate estate shall be made as compact as is compatible with the primary object of making an equitable partition among the proprietors, and with the other provisions of this Part, but no partition made or approved by a Collector shall be set aside on the ground only that the separate estates are not compact.

Circumstances to be considered in making partition.

88. In selecting the villages or lands to be assigned to each separate estate formed out of a parent estate which has been held in common tenancy, the Collector shall take into consideration

the advantages or disadvantages arising from situation;
the vicinity of roads, railways, navigable rivers, or canals;
the nature and quality of the soil and produce;
the quantity of cultivable and uncultivable waste land;
the facilities for irrigation;
the state of the embankments and water-courses;
liability to accretion and diluvion,
and any other circumstances affecting the value of the lands.

Rule when dwelling-house belonging to one proprietor is situated on ground to be allotted to another proprietor.

89. If a dwelling-house belonging to one proprietor is situated on any land which it may be necessary to include in the separate estate of another proprietor, the owner of such house may retain occupation thereof with the offices, buildings, and grounds immediately attached thereto, upon agreeing to pay rent for the land occupied by such dwelling-house, offices, buildings, and grounds to the proprietor of the separate estate in which such land is included.

The limits of the land so occupied and the rent to be paid for it in perpetuity shall be fixed by the Deputy Collector, and shall be stated in the paper of partition.

In every such case a defined pathway shall, as far as possible, be secured to the owner of the house, leading from his house to some portion of the separate estate allotted to him.

Rule contained in last preceding section may be applied to gardens, orchards, &c.

90. Whenever the Deputy Collector shall think fit, he may apply the rule contained in the last preceding section to gardens, to orchards of trees, to land planted with bamboos, and to any other lands which in his opinion are of special value to the proprietor in whose occupation they are found to be, in consequence of improvements made by such proprietor or of the particular use to which such lands are put.

Calculation of rental.

91. The rent fixed in perpetuity on any land by the Deputy Collector under either of the two last preceding sections shall be considered to be the rental of such land for the purposes of the partition.

Rent may be redeemed.

92. Whenever the dwelling-house of one proprietor, with the offices, buildings, and grounds immediately attached thereto, shall have been included in the separate estate of another proprietor, and the annual rent to be paid in perpetuity in respect of the land occupied thereby shall have been fixed by the Deputy Collector and stated in the paper of partition, the proprietor whose dwelling-house, offices, buildings, and grounds have been included as aforesaid may apply to the Deputy Collector for permission to redeem the annual rent so fixed, and the Deputy Collector shall give such permission, unless he shall be of opinion that such redemption would endanger the safety of the land revenue for the payment of which the separate estate in which such dwelling-house, offices, buildings, and grounds have been included will be liable.

Deputy Collector to certify amount payable in redemption of rent.

93. If the Deputy Collector shall see no such reason to refuse his permission to the redemption being made, he shall certify the amount payable by such proprietor in redemption of such annual rent; and such amount

shall be calculated and fixed by the Deputy Collector at ten per centum above the sum which would be required to purchase, at the market prices then prevailing, so much stock of the Government loan which was last issued as would yield an annual amount of interest equal to the annual land rent fixed by the Deputy Collector under section eighty-nine.

But not after possession of separate estates has been given.

94. The proprietor desiring to redeem the rent as aforesaid, may pay to the Deputy Collector the amount so certified at any time before possession is given to the several proprietors of the separate estates allotted to each, as provided in section one hundred and twenty-three, but not after such possession has been given.

Notice of payment to be given, and land to be held rent-free.

95. On receipt of such payment, the Deputy Collector shall give notice to the proprietor in whose separate estate such land is situated that such payment has been made, and that the sum will be paid to him or to his authorized agent on application; and that from the date on which possession as aforesaid may be given, the proprietor who has redeemed the rent of such land will be entitled to hold such land as a rent-free tenure secured against the proprietor of the estate and against any auction-purchaser at a sale for arrears of revenue, including the Government; and from such date the lands shall be so held as a rent-free tenure.

Collector to register rent-free tenure.

96. The Deputy Collector shall at the same time also give notice to the Collector of the district of the creation of such tenure; and the Collector of the district shall thereupon cause such tenure to be specially registered in the manner provided by section 42 of Act XI of 1859, or by any similar law for the time being in force.

Lots may be drawn for equal shares.

97. When two or more of the separate estates shall consist of the same proportions of the parent estate, the Deputy Collector may, if he thinks proper, direct the parties entitled thereto respectively to draw lots in his presence for the equal separate estates which have been formed by assignment of lands, unless the recorded proprietors of the equal shares shall agree among themselves as to the allotment of the equal separate estates and shall present a petition to that effect; or unless for any other reason the Deputy Collector shall, with the sanction of the Collector, think proper to assign the equal separate estates to the proprietors of the equal shares without causing lots to be drawn.

Order and method of drawing lots when aggregate of two or more shares equals one other share.

98. When the aggregate of two or more shares equals one other share, or equals the aggregate of two or more other shares, the Deputy Collector, with the sanction of the Collector, may cause such aggregate shares to be treated as one share for the purpose of determining by lots as afore-

said which portion of the parent estate shall be assigned to each proprietor as his separate estate ;

and may decide which shares shall be formed into one aggregate share for the purpose of causing such lots to be drawn ;

and may cause lots to be drawn in like manner as often as he shall think proper for such purpose.

And after lots shall have been drawn once (or more than once if necessary) as aforesaid, the Deputy Collector shall proceed to divide the portion of the parent estate which has fallen by lot to each aggregate share, among the proprietors of the different shares which were formed into such aggregate share for the purpose of drawing lots, and shall assign to every such proprietor his separate estate within such portion in such position as the Deputy Collector may think proper ;

provided that lots shall in no case be drawn until after full opportunity shall have been given to the proprietors to advance their objections in respect of the papers accepted as the basis of the partition, and in respect of the assets of the different lands as stated in such papers, and until any such objections which may have been made shall have been disposed of.

Illustrations.

I.—The partition of a parent estate is being made into the following shares :—

8 annas.
4 annas.
3 annas.
1 anna.

For the purposes of drawing lots, the 4 annas, 3 annas, and 1 anna share may be taken together, and considered to be an aggregate 8 annas share.

The Deputy Collector will divide the parent estate into two halves of equal value, and will then cause lots to be drawn, in order to determine which of the two halves shall be assigned to the proprietor of the integral 8 annas share, and which shall be divided among the proprietors of the 4 annas, 3 annas, and 1 anna shares.

Subsequently, if necessary, the Deputy Collector may again cause lots to be drawn by the proprietor of the 4 annas share on the one hand, and the proprietors of the aggregate share made up by taking together the 3 annas share and the 1 anna share.

II.—The partition is being made of a parent estate into the following shares :—

6 annas.
4 annas.
3 annas.
2 annas.
1 anna.

Two tracts in the estate may first be marked off, the value of each being equivalent to a 6 annas share, and then, for the purpose of drawing lots in respect of the assignment of these two tracts, the 4 annas share and the 2 annas share may be taken together as an aggregate 6 annas share, and lots may be drawn between the proprietor of the aggregate 6 annas share so formed on the one hand, and the proprietor of the integral 6 annas share on the other.

One of the two 6 annas tracts having thus been finally assigned to the proprietor of the integral 6 annas share, the Deputy Collector will proceed to assign the rest of the estate among the remaining sharers, and he may again, for the purpose of causing lots to be drawn, mark off two tracts, the value of each of which shall be equivalent to 5 annas of the parent

estate, and may cause lots to be drawn for these two tracts between the proprietors of the 4 annas share and the 1 anna share taken together as an aggregate 5 annas share on the one hand, and the proprietors of the 3 annas share and the 2 annas share taken together as another 5 annas share on the other.

Finally, their separate estates will be assigned to the proprietor of the 4 annas share and of the 1 anna share respectively, within the tract which fell to them jointly by lot; and their separate estates will be assigned to the proprietors of the 3 annas share and of the 2 annas share respectively within the tract which fell to them jointly by lot.

Deputy Collector may require proprietor to attend or appoint agent for the purpose of drawing lots.

99. The Deputy Collector may, by a notice served as provided in section one hundred and thirty-five, require any proprietor in respect of whose share lots are to be drawn as provided in either of the two last preceding sections, to attend at the office of the Deputy Collector in person or by authorized agent at a time to be fixed by the Deputy Collector for the purpose of drawing lots;

and may similarly require the proprietors of any shares which he may have ordered to be formed into an aggregate share for the purpose of drawing lots, jointly to appoint an agent to draw lots on their joint behalf; and if at the time fixed for drawing such lots such proprietors have failed to agree to any such joint appointment, or shall fail to cause the attendance of an agent authorized to act jointly for all such proprietors, all such proprietors shall be deemed to have failed to comply with the Deputy Collector's requisition.

In default Deputy Collector may appoint a person to draw lots.

100. Whenever any proprietor or proprietors shall have failed to comply with a requisition of the Deputy Collector under the last preceding section, the Deputy Collector may appoint a person to draw lots on behalf of such proprietor or proprietors.

Rules applicable to the formation into separate estates of lands which are held by proprietors in severalty.

Joint petition may be presented for partition according to private division.

101. Whenever in any parent estate a division of the lands thereof has been made by private arrangement of the proprietors of such estate, and in accordance with such arrangement each proprietor is in possession of separate lands held in severalty as representing his interest in such parent estate, the joint application presented to the Collector by all the recorded proprietors of such estate as required by section twelve may be to the effect that a partition of such estate be made by assigning to each proprietor or to two or more proprietors jointly as his or their separate estate the lands of which they are in separate possession in accordance with such arrangement, and also that each separate estate so formed be made liable for such portion of the entire land revenue of the parent estate as was paid by the proprietor or proprietors thereof under the private arrangement aforesaid.

Partition according to private division to be referred to Collector.

102. The Deputy Collector who is appointed to carry out the partition in accordance with such application shall satisfy himself that the assets of each separate estate which it is proposed to form are sufficient to secure the payment of the annual amount of land revenue for which it is proposed to make such separate estate liable ; and if the Deputy Collector be satisfied that in this espect, and with reference to all the circumstances of the case, the partition of the lands and the assessment of the revenue thereon may be made in the manner proposed without endangering the safety of the revenue, the Deputy Collector shall submit the case with his opinion thereon, and the reasons on which such opinion is founded, to the Collector, who may admit or reject the said application.

Effect of Collector's approval.

103. If the Collector admits the said application, such admission shall be deemed to be the Collector's approval of the general arrangement of the partition as provided in section seventy-five, and the Deputy Collector shall proceed to complete the partition accordingly.

Such partition may be refused.

104. If the Deputy Collector, who is appointed to carry out the partition in accordance with a joint application under section one hundred and one, is not satisfied that the partition of the lands and the assessment of the revenue payable thereon can be made in the manner proposed without endangering the safety of the public revenue, or if the Collector rejects the application for such partition, the Deputy Collector shall refuse to make the same.

Joint petition may be presented for partition in accordance with private division with proportional re-distribution of land revenue.

105. Whenever the proprietors of an estate are, in accordance with a private arrangement as aforesaid, respectively in possession of separate lands held in severalty as representing their respective interests in the estate, the joint application presented to the Collector by all the recorded proprietors of the estate, as required by section twelve, may be to the effect that a partition of such estate be made by assigning to each proprietor, or to two or more proprietors jointly, as his or their separate estate, the lands of which they are in possession in accordance with such arrangement, and that the land revenue for which the parent estate is liable may be apportioned among the separate estates so formed in accordance with the provisions of section six.

A joint application under this section may be made notwithstanding that a joint application under section one hundred and one has been refused in respect of the same estate.

BENGAL SECRETARIAT LIBRARY

Lands of which each proprietor is in possession to be allotted to him.

106. Whenever the Deputy Collector who is appointed to carry out a partition shall find that in accordance with a private arrangement made by the proprietors of an estate, the proprietors respectively, or any of the proprietors, are in possession of separate lands held in severalty as representing portions only of their respective interests in the parent estate, while other lands of the parent estate are held in common tenancy between such proprietors, a joint application as mentioned in section twelve shall not be necessary to authorize the Collector to make a partition of the estate, but the Deputy Collector shall allot to the separate estate of each proprietor the lands of which such proprietor is found to be in possession in severalty in accordance with such private arrangement.

Sir, khamar, and nij-jote lands.

Lands held in the occupation of the several proprietors of an estate as sir, khamar, or nij-jote, or under any other similar denomination, shall not be deemed to be lands held in severalty as representing portions of their respective interests in the parent estate within the meaning of this section, which applies only to cases in which there has been a *bonâ fide* division, by private arrangement among the proprietors, of lands held by tenants.

Collector may make transfer of lands agreed to by parties.

107. Notwithstanding anything contained in the last preceding section, the Collector may cause any transfer of lands agreed to by the parties to be made from the possession of one proprietor to that of another.

Rules applicable both to lands held in common tenancy and to lands held in severalty.

Rule as to places of worship.

108. Places of worship, burning grounds, and burial grounds which have been held in common previous to the partition of an estate, and lands of which the proceeds have been assigned by the proprietors jointly for religious, charitable, or public purposes, shall continue to be held in common, unless the proprietors shall otherwise agree amongst themselves, in which case they shall state in writing the agreement into which they have entered, and the Deputy Collector shall enter a note of the agreement in the paper of partition.

Rule as to tanks, wells, water-courses, and embankments.

109. Tanks, wells, water-courses, and embankments shall be considered as attached to the land for the benefit of which they were originally made.

In cases in which, from the extent, situation, or construction of such works, it shall be found necessary that they should remain the joint property of the proprietors of two or more of the separate estates, the paper of partition

shall specify, as far as the circumstances may admit, the extent to which the proprietors of each of such estates may make use of the same, and the proportion of the charges for repairs to be borne by them respectively.

Lands held rent-free not to be divided.

110. Whenever the Deputy Collector shall find in the parent estate lands which are actually held rent-free (whether the proprietors of the estate do or do not claim a right to receive rent from such lands), the Deputy Collector shall make no division or assignment of such lands among the separate estates, but shall specify in the partition papers and proceedings that such lands are left appertaining jointly to all the separate estates which are formed out of the parent estate, in the proportion which each separate estate bears to the parent estate;

provided that such lands or any of them may be allotted among the different separate estates with the consent of all the recorded proprietors of the parent estate, but not otherwise.

Rule as to permanent intermediate tenures.

111. Whenever the Deputy Collector shall find in the parent estate any lands which are held at fixed rent on a putnee or other permanent intermediate tenure falling within Exception 2 or Exception 3 of section seven, the Deputy Collector may either

(1) assign the lands which are held on such tenure and the assets thereof entirely to one or more of the separate estates, the rental being calculated as provided in Exception 2 or in Exception 3 (as the case may be) of section seven; or

(2) leave such lands unassigned to any separate estate, and specify in the partition paper and proceedings that the lands are left appertaining jointly to all the separate estates which are formed out of the parent estate in the proportion which each separate estate bears to the parent estate. In the event of such lands being so left undivided, the Deputy Collector shall assign to each separate estate such share of the rental of the tenure as shall bear the same proportion to the entire rental of the tenure, as the separate estate bears to the parent estate.

In dealing with a tenure under this section, the Deputy Collector shall take into consideration the extent of the lands comprised in the tenure, and all other circumstances of the case.

Lands held in common between the proprietors of two or more estates how to be dealt with.

112. Whenever any lands are held in common between the proprietors of two or more estates, one of which is under partition in accordance with the provisions of this Act, the Deputy Collector shall first allot to the estate under partition a portion of such common lands of which the assets are in proportion to the interest which the proprietors of such estate hold in the said common lands; and all the provisions of this Act in

respect of the allotment between the shareholders in one estate, of lands which are held jointly by such shareholders, shall, as far as possible, apply to the allotment of the proportionate share of such common lands to the estate under partition;

and, in respect of the service of notices, hearing of objections, and all other procedure in view to such allotment, the proprietors of the estate under partition, and the proprietors of all other estates who have an interest in the said common lands, shall be deemed to be joint proprietors of a parent estate consisting only of the lands so held in common;

Levy of expenses.

provided that all expenses of any division of lands so held in common between the proprietors of two or more estates shall be deemed to be expenses of making the partition of the estate which is under partition, and shall be leviable as provided by this Act from the proprietors of such estate, and the proprietors of any other estate having an interest in such lands shall not be required to bear any portion of such expenses.

Proprietors of other estates may be required to pay a portion of expenses of partition.

113. Notwithstanding anything contained in the last preceding section, if it shall appear to the Commissioner, on the report of the Collector or otherwise, that the proceedings for such division have been unnecessarily delayed, and the cost of such division enhanced by obstacles vexatiously put in the way of the completion of such division by any proprietor of any estate other than that under partition, or by want of due diligence on the part of any such proprietor in carrying out any requisitions made upon him, the Commissioner may direct that such sum as he shall think fit shall be levied from every such proprietor who is responsible for such delay or additional cost, and every sum so levied shall be taken in diminution of the amount payable by the proprietors of the estate under partition as costs of such partition.

Allotment of lands held in common to be sanctioned by Collector.

114. The allotment to the estate under partition of the proportionate share of the lands so held in common shall be submitted for the approval of the Collector, who may confirm, amend, or reject the same, and in the case of rejection, may make or direct to be made another allotment.

The portion of such common lands assigned to estate under partition how to be dealt with.

115. As soon as the allotment to the estate under partition of a proportionate share of the said lands shall have been approved by the Collector, the lands so allotted shall be dealt with in every respect as if they were held in common tenancy by such of the proprietors of the estate under partition as were found to hold interests in the common lands.

116. If a dispute or doubt shall be found to exist as to whether any lands form part of the parent estate, the Deputy Collector shall enquire into the fact of possession, and shall report his conclusions, with the reasons thereof, to the Collector; whereupon

Procedure when dispute exists as to whether any lands form part of the parent estate.

the Collector may (whether the possession of disputed lands is with the proprietors of the parent estate or otherwise) order that the partition be struck off the file, and in that case no application for a partition of the said estate shall be admitted until the applicant can show that the dispute or doubt has been decided by a Court of competent jurisdiction, or has been amicably settled;

or if the Collector shall find that possession of the disputed lands is with the proprietors of the parent estate, and if it shall appear to him that the claim of the other parties to the right in such lands is untenable, he may order that the partition shall proceed, and that the disputed lands be treated as part of the estate under partition;

Procedure when Collector thinks that lands belong to parent estate.

provided that no partition shall be made under this section, if such partition would involve the assignment to any separate estate of such a quantity of the disputed land that the removal of such land from such estate would, in the opinion of the Collector, endanger the safety of the land revenue for which such estate would be liable after the partition.

But land revenue must not be endangered.

117. If after a partition has been completed in accordance with an order passed by the Collector under clause three of the last preceding section, the proprietor of any separate estate shall be dispossessed by a decree of a Court of competent jurisdiction of any lands which may have been assigned to his estate by the partition, such proprietor shall not be entitled to claim any modification of the partition (which shall hold good), but shall be entitled to recover from the proprietors of the other separate estates formed by the partition such compensation as may be fair and equitable, having regard to the reduction in the proportionate value of his separate estate which is caused by such dispossession;

Procedure when partition completed and proprietor of an estate dispossessed by order of a competent Court.

and such compensation may be recovered in a Court of competent jurisdiction from the proprietors of those separate estates on which a proportionate share of the total loss caused by the order of dispossession does not fall.

PART IX.

Of the Procedure before the Commissioner up to the Completion of the Partition.

If no appeal presented, Commissioner may consider the case without issue of notice.

118. If no appeal or objection shall be presented within the time allowed by section eighty-four, the Commissioner may proceed to consider the case without issue of any notice, and may confirm the partition made by the Collector.

Commissioner to fix a day for hearing case.

119. If it shall appear to the Commissioner that the proceedings of the Collector should be amended, or if a petition of appeal or an objection shall have been presented within the time allowed by section eighty-four, the Commissioner shall fix a day for hearing and disposing of the case, and shall cause a notification of the same to be published and a notice of the same to be posted up in his own office.

Commissioner to confirm, amend, or return partition.

120. On the day so fixed, which shall not be less than thirty days after the publication of the said notification at the office of the Collecter, or on any subsequent day to which the hearing of the case may extend, or on any subsequent day to which the hearing may have been postponed by a notice published in his own office, the Commissioner shall, after hearing and disposing of all objections, and calling for any further information which may be necessary, either confirm the partition as made by the Collector or amend the same, or return the papers of the partition to the Collector for any changes the Commissioner may think proper to be made.

Procedure in case of return.

If the partition is returned to the Collector for amendment, the Collector shall proceed to make the said amendments or to cause them to be made in the same manner as if he had himself passed such orders on a partition submitted to him for approval by a Deputy Collector.

Commissioner may return papers for amendment or inquiry.

121. The Commissioner may, before confirming a partition, return the papers for amendment or inquiry as often as he shall think fit, and as often as he shall so return them the procedure prescribed in the three last preceding sections shall be followed.

Procedure by Collector on receipt of order of Commissioner or of Board of Revenue on appeal.

122. After the expiration of not less than sixty days from the date of the order of the Commissioner confirming a partition, or, if an appeal has been preferred to the Board, or if any proceedings in respect of the partition be pending before the Board, then on receipt of the final order of the Board determining that the partition as sanctioned by the Commissioner

Two estates may be united.

129. If two or more estates shall come into the possession of one proprietor or of the same body of proprietors, such proprietor or body of proprietors, after being recorded as proprietors, may apply to have such estates united, and to hold them as a single estate.

Application for such union how to be made, and how to be dealt with.

130. Such application shall be made in writing to the Collector, and the Collector shall, not less than thirty days after the issue of a notification of such application (provided he see no objection), comply with the same, and cause the necessary entries to be made in the records of his office, and shall report the case to the Commissioner.

Cause of sale of a separate estate for arrears to be ascertained.

131. Whenever any separate estate created under this Act shall fall in arrear so as to require a sale of the land for the discharge of the arrear at any period within twelve years of the date of the confirmation of the partition, the Collector shall, if possible, ascertain the cause of the estate having fallen into arrear, and shall enquire whether such arrear has been caused by any fraudulent or erroneous allotment of the assessment or assignment of lands at the time of the partition, and shall make a report upon the case to the Commissioner for such action as the Commissioner may think proper.

In certain cases Lieutenant-Governor may order a new allotment of the land revenue.

132. If it shall be proved to the satisfaction of the Lieutenant-Governor at any time within twelve years from the date of the final confirmation of a partition by the Commissioner or by the Board, as the case may be, that through any fraud or error at the time of making the partition the assets of the lands assigned to any separate estate were not in proportion to the amount of land revenue for which such estate was made liable, or that the amount of land revenue assessed on any separate estate was not in proportion to the assets of the lands assigned to such estate, the Lieutenant-Governor may order a new allotment of the land revenue upon the separate estates in accordance with the principles prescribed in this Act, on an estimate of the assets of each such estate as they stood at the time of the partition, such estimate being made on such evidence and information as may be procurable respecting the same.

Under-assessed estates to make refund to over-assessed estates.

133. Whenever the Lieutenant-Governor shall pass an order for the re-allotment of the land revenue on any separate estate under the last preceding section, the Lieutenant-Governor may direct that the proprietors whose estates are found to have been under-assessed shall, for each year during which they have held possession of the separate estates, be required to pay to the

recorded proprietors of the estates which have been over-assessed, a sum equal to the annual amount in which the latter shall be found to have been over-assessed, and in default of payment the amount shall be leviable as provided in section one hundred and thirty-eight.

No order passed by the Lieutenant-Governor under this section shall be liable to be contested in any Court.

Publication of notifications under this Act.

134. Every notification required to be published in and by this Act shall, unless it is otherwise specially directed, be published by posting up copies of the same at the office of the Collector, and of the Deputy Collector who is making or has made the partition, at the mâl cutcherry or mâl cutcherries (if any) of the proprietors of the parent estate, and at one or more of the principal villages on the said estate.

Service of notice.

135. Every notice in and by this Act required to be served on any person may be served—

(1) by delivering the same to the person to whom it is directed,
or, on failure of such service, by posting the same on some conspicuous part of the house in which the said person usually resides,
or by delivering the said notice to a general agent of the person to whom such notice is directed, or to any person who has been appointed in that behalf, or who has been appointed an agent of the person to whom the notice is directed for the general purposes of any partition under this Act; or

(2) by sending a registered letter containing such notice directed to the said person at his usual place of abode or to the place where he may be known to be residing; or

(3) by posting a copy of the notice at any mâl cutcherry of the person to whom the notice is directed;
or, if no such mâl cutcherry be found, and if the notice cannot be served in any of the other modes mentioned in this section, on some conspicuous place on the estate to which such notice relates.

In all cases where two or more persons are joint applicants for the separation of an estate to be held by them jointly as a separate estate, service of notice under this section on any one such joint applicant shall be deemed to be good and sufficient service on each and all of such joint applicants.

No proceedings under this Act to be affected by any mistake or misdescription.

136. Provided the directions of this Act be in substance and effect complied with, no proceedings under this Act shall be affected by reason of any mistake or by reason of any other informality, unless any person has suffered, or is in danger of suffering, material injury in consequence of such mistake or informality;

and no proceedings under this Act shall be affected by reason of the omission to issue any notification required by this Act, or to serve any notice on any person whose name is not recorded on the Collector's registers as proprietor of the estate in respect of which the notice is required to be served.

Fine in case of non-compliance with notice or requisition.

137. If any proprietor or other person shall fail to comply, within the time fixed by a notice served on him as by this Act provided, with any requisition made upon him under this Act by the Collector or Deputy Collector, the Collector or Deputy Collector may impose upon him such daily fine as he may think fit, not exceeding fifty rupees;

and such fine shall be payable daily until the requisition is complied with,

and the Collector or Deputy Collector may proceed from time to time to levy the amount which has become due in respect of any such fine, notwithstanding that an appeal against the order imposing such fine may be pending;

provided that, whenever the amount levied under any such order shall have exceeded five hundred rupees, the Collector shall report the case specially to the Commissioner, and no further levy in respect of such fine shall be made otherwise than by authority of the Commissioner.

Fees, &c., to be deemed demands under Bengal Act VII of 1868.

138. Except as herein expressly otherwise provided, all fees, fines, costs, and other sums ordered to be paid by any person under this Act, shall be deemed to be demands under section 1 of Bengal Act VII of 1868 (*an Act to make further provision for the recovery of arrears of land revenue and public demands recoverable as arrears of land revenue*), and shall be leviable as such.

Power of Collector to enforce attendance of witnesses.

139. For the purpose of any inquiry under this Act, the Collector and Deputy Collector shall, in addition to every power conferred specially by this Act, have power to summon and enforce the attendance of witnesses, to examine witnesses, and to compel the production of documents by the same means (as far as may be), and in the same manner as is provided in the case of a Court under the Code of Civil Procedure.

Powers and functions assigned to Deputy Collector may be exercised by Collector.

140. All powers and functions which are assigned by this Act to a Deputy Collector may be exercised and discharged by the Collector; and whenever it is provided by this Act that any act done, or order made by a Deputy Collector shall require the sanction of the Collector, or shall be appealable to the Collector, if such act shall have been done or such order

shall have been made by the Collector, it shall be deemed to have been sanctioned by the Collector, or to have been confirmed by the Collector in appeal, as the case may be.

Government may vest Collector or Deputy Collector with certain powers.

141. The Lieutenant-Governor may vest any Collector or Deputy Collector with all or any of the powers which, under the provisions of any law for the time being in force, might be exercised by them respectively, or might be conferred on them respectively, if they were making a settlement of the parent estate.

Such powers may be conferred either generally in respect of all estates in the partition of which the Collector or Deputy Collector may at any time and in any district be engaged, or specially in respect of any particular estate.

Appeal to the Collector.

142. An appeal, if presented within one month from the date of the order appealed against, shall lie to the Collector against every order of a Deputy Collector—

(*a*) directing, under section forty-one, by whom the cost of an enquiry held in consequence of an objection preferred shall be paid;

(*b*) accepting or adopting any papers under section sixty-three for the purposes of a partition;

(*c*) refusing, under section sixty-eight, to confirm a partition made by the parties or by arbitrators;

(*d*) fixing, under section eighty-nine, the limits of land and the rent to be paid for it in perpetuity;

(*e*) refusing, under section one hundred and four, to make a partition as applied for by the joint applicants;

(*f*) passed under section one hundred and ten in respect of lands held rent-free, or under section one hundred and eleven in respect of lands included in a tenure;

(*g*) imposing a fine under section one hundred and thirty-seven.

Appeal to the Commissioner.

143. An appeal, if presented to the Commissioner, or to the Collector for transmission to the Commissioner, within one month from the date of the order appealed against, shall lie to the Commissioner against every order of the Collector (whether such order be passed by the Collector in the first instance, or in appeal from the order of a Deputy Collector)

(*a*) having the effect of rejecting an application for the partition of an estate, or for the separation of a share, or of putting an end to proceedings for effecting a partition or separation after the application has been admitted;

(*b*) directing, under section thirty-one, that an application for partition or separation be admitted;

(*c*) accepting or adopting any papers under section sixty-three for the purposes of a partition;

(*d*) refusing, under section sixty-eight, to confirm a partition made by the parties or by arbitrators;

(*e*) setting aside, amending, or approving the general arrangement of the partition under section seventy-five;

(*f*) approving, with or without amendment, a partition made by a Deputy Collector, or directing such partition to be amended or a fresh partition to be made or making a fresh partition under section eighty-one;

(*g*) fixing, under section eighty-nine, the limits of land and the rent to be paid for it in perpetuity;

(*h*) refusing, under section one hundred and two, to allow a partition to be made in accordance with an existing private division;

(*i*) passed under section one hundred and ten in respect of lands held rent-free, or under section one hundred and eleven in respect of lands included in a tenure;

(*k*) approving or disallowing, under section one hundred and fourteen, the allotment to the estate under partition of a portion of lands held in common tenancy between the proprietors of such estate and the proprietors of one or more other estates;

(*l*) passed under section one hundred and sixteen as to disputes or doubts regarding land;

(*m*) imposing or confirming the imposition of a fine under section one hundred and thirty-seven;

(*n*) imposing any fine amounting to more than fifty rupees, or directing the payment of any costs amounting to more than fifty rupees.

Appeal to the Board.

144. An appeal, if presented to the Board, or to the Commissioner for transmission to the Board, within six weeks from the date of the order appealed against, shall lie to the Board against every order of the Commissioner which confirms, modifies, or reverses any order of the Collector—

(*a*) having the effect of rejecting an application for the partition of an estate, or for the separation of a share, or of putting an end to proceedings for effecting a partition or separation after the application has been admitted;

(*b*) directing, under section thirty-one, that an application for partition or separation be admitted;

(*c*) accepting or adopting any papers under section sixty-three for the purposes of a partition;

(*d*) approving or disallowing, under section one hundred and fourteen, the allotment to the estate under partition, of a portion of lands held in common tenancy between the proprietors of such estate and the proprietors of one or more other estates;

and against every order of the Commissioner

(*e*) directing, under section forty, that any proprietor shall pay more than his proportionate share of the expenses of a partition, when the excess which he is ordered to pay exceeds five hundred rupees;

(*f*) directing, under section one hundred and thirteen, that any sum shall be paid by the proprietor of an estate other than the estate under partition, when such sum exceeds five hundred rupees;

(*g*) confirming, under section one hundred and eighteen or section one hundred and twenty, or amending or setting aside under section one hundred and twenty, a partition as made by the Collector;

(*i*) imposing or confirming the imposition of any fine amounting to five hundred rupees, or ordering or confirming an order directing the payment of any costs amounting to more than five hundred rupees.

Powers of supervision and control.

145. Except as provided in the three last preceding sections, no appeal shall lie as of right against any order passed under this Act by any officer; but the proceedings and orders of every Deputy Collector under this Act shall be subject to the supervision and control of the Collector; the proceedings and orders of every Deputy Collector and of the Collector to the supervision and control of the Commissioner; and the proceedings and orders of all revenue officers, to the supervision and control of the Board;

and any order passed and anything done under this Act may be modified, amended, or reversed by the supervising and controlling authority at any time before possession of their respective separate estates has been given to the several proprietors as provided in section one hundred and twenty-three, but not after such possession has been given, except as provided in the next succeeding section.

Proceedings connected with giving possession may be set aside within three months of date of giving possession.

146. Any proceedings of a revenue officer connected with giving possession to the proprietors of their respective separate estates as provided in section one hundred and twenty-three, may be set aside as amended as above provided by any supervising and controlling revenue authority, provided that such supervising and controlling authority shall, within three months of the date on which such possession may have been given, make an

order to the effect that such proceedings are under the consideration of such authority.

Such order shall be communicated to the Collector of the district, who shall cause the same to be published by notification in the manner prescribed by section one hundred and thirty-four.

Orders as to costs on appeal.

147. The Commissioner and the Board may pass such orders as they shall think fit in respect of the payment of costs of any appeal which is made to them respectively under this Act.

Powers of officers exercising jurisdiction under this Act with regard to false evidence.

148. If, in any case in which a Collector or other officer shall exercise jurisdiction under this Act, any person is guilty of the offence of giving or fabricating false evidence, or of forgery, as defined in the Indian Penal Code, or of abetting any of those offences, such Collector or other officer shall have the same powers in respect of such offence, and of the person charged with committing the same, as are vested by the Code of Criminal Procedure in a Civil Court, when any such offence is committed before or against such Court, or when a document believed to be a forgery is given in evidence in any proceedings in such Court.

Orders of revenue officer which are not liable to be set aside by civil suit.

149. No order of a revenue officer

(*a*) refusing to allow a partition on the grounds mentioned in section eleven;

(*b*) rejecting or directing to be amended an application under section twenty;

(*c*) made under the first clause of section thirty-two;

(*d*) made under Part IV, Part V, Part VI, Part VII, Part VIII (except as provided in the next succeeding section), or Part IX;

(*e*) imposing a fine;

(*f*) in respect of the payment of costs of any appeal under section one hundred and forty-seven,

shall be liable to be contested or set aside by a suit in any Court, or in any manner other than as is expressly provided in this Act.

When suit may be brought to set aside order of revenue officer.

150. Notwithstanding anything contained in clause (*d*) of the last preceding section,

any person claiming a greater interest in any lands which were held in common tenancy between two or more estates than has been assigned to him

by the order of a revenue officer under section one hundred and twelve or section one hundred and fourteen;

and any person who is aggrieved by any order of a revenue officer passed under section one hundred and sixteen;

may bring a suit in a Court of competent jurisdiction to modify or set aside such orders of the revenue officer.

Board to be guided by instructions of Lieutenant-Governor.

151. In the execution of the duties vested in the Board by this Act, the Board shall be guided by such orders or instructions as they may from time to time receive from the Lieutenant-Governor.

Board may lay down rules.

152. The Board may from time to time make rules, not being inconsistent with this Act—

(*a*) to regulate the expenses of effecting partitions, or the amount of fees to be levied in respect of partitions, the allotment of the same among the proprietors, and the instalments in which, and the times at which, the same shall be levied under Part IV;

(*b*) to regulate the receipts, disbursements, and management of any Estates' Partition Fund" formed under section forty-five;

(*c*) to regulate the employment and remuneration of ameens and other subordinate officers appointed under Part IV, to enable the officer making the partition to keep himself informed of the proceedings of such officers, and to exercise a proper control over them;

(*d*) to regulate the form in which the partition papers shall be framed under section sixty-six and section seventy-seven;

(*e*) and generally for the guidance of officers in conducting partitions under this Act.

SCHEDULE.

(*See section* 2.)

Number and year.	Subject or abbreviated title.	Extent of repeal.
Regulation XI of 1811 ...	For extending period of revising jumma on certain lands.	So much as has not been repealed.
Regulation XIX of 1814 ...	Consolidating Regulations respecting Partition of Estates.	Ditto.
Act XX of 1836 ...	Quashing of Butwarras	Ditto.
Act XI of 1838 ...	Remuneration of persons effecting a partition.	Ditto.

ACT No. I OF 1877.

(Received the assent of the Lieutenant-Governor on the 19th December 1876, and of the Governor-General on the 17th January 1877.)

An Act to amend the Jute Warehouse and Fire Brigade Act, 1872, and Bengal Act II of 1875.

Preamble.

WHEREAS it is expedient to amend the Jute Warehouse and Fire Brigade Act, 1872, and Bengal Act II of 1875; It is enacted as follows:—

Substitution of the Commissioners for Justices.

1. In the said Acts, for the words "the Justices" wherever they occur, the words "the Commissioners" shall be deemed to be, and, since the commencement of the Calcutta Municipal Consolidation Act, 1876, to have been substituted.

Substitution of the Commissioners for Justices of the Peace.

2. In the Schedule annexed to Bengal Act II of 1875 *(an Act to amend the Jute Warehouse and Fire Brigade Act,* 1872*)*, for the words "the Justice, of the Peace" the words "the Commissioners" shall be deemed to be, and, since the commencement of the Calcutta Municipal Consolidation Act, 1876, to have been substituted.

Definition of Commissioners inserted.

3. In each of the said Acts the following definition shall be inserted:—

"The Commissioners" in this Act means the Corporation of the town of Calcutta."

Commencement of Act.

4. This Act shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

The Act came into force on the 20th of January 1877.—*Calcutta Gazette*, 1877, Part III, p 1.

ACT No. II OF 1877.

(Received the assent of the Lieutenant-Governor on the 11th May 1877, and of the Governor-General on the 28th May 1877.)

An Act to provide for the levy of a cess for the construction, charges, and maintenance of Provincial Public Works.

Preamble.

WHEREAS it is expedient to empower the Lieutenant-Governor of Bengal to levy a cess on immoveable property, and to apply the proceeds of the same to the construction,

charges, and maintenance of Provincial Public Works; It is enacted as follows :—

Short title.

1. This Act may be called "the Provincial Public Works Act, 1877."

Extent.

It shall extend to all the districts or parts of districts in which the District Road Cess Act, 1871, is, or may from time to time be, in force. But the Lieutenant-Governor, by notification in the *Calcutta Gazette*, may exempt any district, or sub-division of a district or any estate or tenure, from the operation of this Act, and may at any time, by a similar notification, cancel such exemption.

Commencement.

It shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

The Act came into force on the 30th of May 1877.—*Calcutta Gazette* 1877, Part III, p 7.

All immoveable property to be liable to a cess.

2. From and after the commencement of this Act, all immoveable property situated within the districts or parts of districts in which this Act is, or may from time to time be, in force shall be liable to the payment of a cess (hereinafter called "the Public Works Cess,") to be applied to the construction, charges, and maintenance of provincial public works, and such cess shall be recoverable from the several owners and occupiers of such property as hereinafter provided.

Valuations under District Road Cess Act to be valuations for purposes of this Act.

3. All valuations of immoveable property which have been, or may from time to time be, determined under Parts II, III, and IV of the District Road Cess Act, 1871, shall be deemed to be valuations of immoveable property for the purposes of this Act.

Lieutenant-Governor to determine the rate of cess.

4. The Lieutenant-Governor shall, by an order published in the *Calcutta Gazette*, from year to year determine the rate at which the public works cess shall be leviable in each district, and the date from which it shall take effect; such rate shall not exceed one-half of an anna in the rupee of the annual value of the lands in such district.

Mode of payment of cess.

5. All holders of estates or tenures and cultivating ryots shall pay the public works cess at the rate determined under the last preceding section, and in the manner and the proportions prescribed for the payment of the road cess by section twenty-one of the said District Road Cess Act; and the provisions of sections twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, and twenty-seven of the said Act shall apply to the public works cess.

Cess on mines, quarries, railways, &c.

6. Every mine, quarry, tramway, railway, or other immoveable property, not included within the provisions of Part II and Part IV of the said District Road Cess Act, shall be liable to the payment of the public works cess at the rate determined under section four of this Act, and in the manner and subject to the limitations prescribed for the payment of the road cess by section twenty-eight of the said District Road Cess Act; and the provisions of sections thirty-six and thirty-seven of the said Act shall apply to the public works cess.

The notices required to be served under sections twenty-two and thirty-six of the said District Road Cess Act may also include the amount of public works cess payable under this Act.

Cess on houses.

7. All houses of any of the classes mentioned in Schedule E annexed to the said District Road Cess Act shall, save as is provided in section forty of the said Act, be liable to the payment of the public works cess at the rates specified in the said schedule, and in the manner prescribed for the payment of the road cess by sections thirty-nine of the said District Road Cess Act; and the provisions of sections forty-five, forty-six, forty-seven, and forty-eight of the said Act shall apply to the public works cess.

Application of proceeds and keeping of accounts.

8. The proceeds of the public works cess shall be paid into the public treasury, and shall be applied to the construction, charges, and maintenance of provincial public works in such manner as the Lieutenant-Governor may direct. Accounts of the moneys received and expended under the provisions of this Act shall be kept in such form as the Lieutenant-Governor may prescribe, and a statement showing the receipts, expenditure, and balance of the public works cess shall be published annually in the *Calcutta Gazette.*

Interpretation clause.

9. In this Act the words and expressions "house," "estate," "tenure," "district," "immoveable property," "holder of an estate or tenure," "cultivating ryot," and "annual value of land," shall have the meanings attributed to them respectively in the said District Road Cess Act.

Lieutenant-Governor may declare what are provincial public works, and may make rules.

10. The Lieutenant-Governor shall have power to declare, by notification in the *Calcutta Gazette,* what works are to be deemed provincial public works for the purposes of this Act, and shall have the same powers to make rules for the purposes of this Act as are conferred by section ninety-seven of the said District Road Cess Act.

THE BENGAL LICENSE ACT, 1878.

CONTENTS.

PREAMBLE

PART I.

PRELIMINARY.

SECTION.

1.—Short title and commencement.
Application.
2.—Interpretation clause.
3.—Saving of Bengal Act IV of 1878.
4.—Act not to apply to cultivators of land or landlords receiving rent in kind.

PART II.

GENERAL PROVISIONS APPLICABLE IN ALL DISTRICTS.

5.—Annual licenses to be taken out.
6.—Officer to grant license.
7.—Particulars to be specified in the license.
8.—Commencement and expiration of license.
9.—Renewal of license.

PART III.

PROVISIONS APPLICABLE TO ALL DISTRICTS EXCEPT CALCUTTA.

10.—Collector to prepare annual list of licensees.
11.—Collector may require list of persons in any house.
12.—Collector to determine class under which licensee is to be charged.
13.—Persons carrying on several trades.
14.—Power to remit fee.
15.—Publication of list and notification.
16.—Levy of fees on artisans and others in large works.
17.—Petition of objector.
18.—Hearing of petition.
Transfer to different class or grade.
19.—Appeals.
20.—Power to summon witnesses.
21.—Penalty for carrying on business without a license.
22.—Recovery of fêes and penalties.
23.—Limitation.

24.—License to be produced on demand.
Prosecution to be at instance of Collector.
25.—Courts of Wards, receivers, and managers chargeable.
26.—Power to trustee, &c., to retain money for payment of fee.
27.—Power to require returns from municipalities.
When Collector may revise return.
Petition of objection.
28.—Notice to municipalities.
29.—Penalties and fines to be credited to Municipal Funds
30.—Power of recovery of fees in municipalities.
By Collector as an arrear of land revenues.
Payment by appropriating municipal revenues.
31.—Exemption of licensees from house cess under Road Cess and Public Works Acts.
32.—Powers of Collector under Act may be exercised by other officers.

PART IV.

SPECIAL PROVISIONS FOR THE TOWN OF CALCUTTA.

33.—Special scale of fees in Calcutta
Definition of resident and of the town of Calcutta.
34.—Procedure in Calcutta.
35.—Petition of objection.
36.—Recovery of sum due under this Part.

PART V.

MISCELLANEOUS.

37.—Disposal of fees and penalties.
38.—Obligation to furnish information.
39.—Power to exempt and make rules.
TWO SCHEDULES.

ACT No. I OF 1878.

(*Received the assent of the Lieutenant-Governor on the 14th February 1878, and of the Governor-General on the 24th idem*)

An Act for the Licensing of Trades, Dealings, and Industries within the territories subject to the Lieutenant-Governor of Bengal.

Preamble

WHEREAS in order to provide means for defraying the public expenditure from time to time incurred and to be incurred for the relief and prevention of famine in British India

it is necessary to effect a permanent increase of the revenue; and it is therefore expedient that persons carrying on trades, dealings, and industries in the territories administered by the Lieutenant-Governor of Bengal should take out licenses and pay for the same; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title and commencement.

1. This Act may be called "The Bengal License Act, 1878," and it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

The Act came into force on the 6th March 1878.—*Calcutta Gazette*, 1878, Part III, p. 1. It has been extended to the Sonthal Pergunnahs under Regulation I of 1872.—*Calcutta Gazette*, 1878, p. 301.

Application.

Parts I, II, and V of this Act apply to all the territories subject to the Lieutenant-Governor of Bengal, including the Town of Calcutta; Part III applies to all such territories except the Town of Calcutta; and Part IV applies only to the Town of Calcutta.

Interpretation clause.

2. In this Act, unless there be something repugnant in the subject or context—

"Collector."

"Collector" means the Chief Officer in charge of the revenue administration of a district.

"The Commissioners."

"The Commissioners," except in Part IV, mean the Commissioners defined in Bengal Act V of 1876, and in Part IV the Commissioners defined in Bengal Act IV of 1876.

"Local Government."

"Local Government" means the Lieutenant-Governor of Bengal for the time being, or the person acting in that capacity.

"Section."

"Section" means a section of this Act.

Saving of Bengal Act IV of 1876.

3. Nothing in this Act shall be deemed to affect the tax on professions, trades, and callings, imposed for municipal purposes by Bengal Act IV of 1876.

Act not to apply to cultivators of land or landlords receiving rent in kind

4. Nothing in this Act shall be deemed to apply to persons earning their livelihood solely by agriculture, or to any cultivator of land as such in respect of the sale of the produce of his land, when he shall not keep a shop or stall for the sale of such produce, or to any receiver of rent in kind in respect of the sale of produce received as such rent.

PART II.

General Provisions applicable in all Districts.

Annual licenses to be taken out.

5. Every person who, on or after the first day of April 1878, falls under any of the heads of the Schedules hereto annexed, and carries on (whether on behalf of himself or any other person) his trade, dealing, or industry in any district situated in the said territories, shall take out a license under this Act in such district, and shall pay for the same the annual fee specified in the same Schedules as payable by persons of the class to which he belongs. Provided that no person whose annual earnings from his trade, dealing, or industry carried on within such district are less than one hundred rupees shall be required to take out a license under this Act.

For the purposes of this Act the Town of Calcutta shall be deemed to be a separate district.

Officer to grant license.

6. Such license shall be granted by the Collector of such district, or by such officer as he may appoint in this behalf; and in Calcutta by the Chairman of the Municipal Commissioners.

Particulars to be specified in the license.

7. Every such license shall specify—

(*a*) the date of the grant thereof;

(*b*) the name, father's name, residence, caste, if any, and the trade, dealing, or industry of the licensee;

(*c*) the fee paid for the license;

(*d*) the place or places within such district at which the licensee intends to carry on his trade, dealing, or industry for the ensuing year;

(*e*) the term for which such license shall remain in force;

and shall be received in evidence as *primâ facie* proof of all matters contained therein.

Commencement and expiration of license.

8. Every such license shall have effect in such district only, and shall continue in force from the day of the date thereof until the first day of April next after the day of the granting thereof.

Renewal of license.

9. Every person to whom any such license has been granted, and who desires to continue to carry on his trade, dealing, or industry in such district after the expiration thereof, shall take out a fresh license for that purpose for the following year, to expire on the day appointed in the last preceding section, and shall renew the same so long as he desires to carry on such trade, dealing, or industry.

PART III.

PROVISIONS APPLICABLE TO ALL DISTRICTS EXCEPT CALCUTTA.

Collector to prepare annual list of licensees.

10. As soon as may be after the commencement of this Act, and the first day of January in every subsequent year, the Collector shall prepare a list of the persons in the district aforesaid to be licensed under this Act.

Such list shall state—

(*a*) the trade, dealing, or industry of each of the persons therein named;

(*b*) the class and grade under which he is charged; and

(*c*) the fee to be paid for his license.

Such list shall be in such language as the local Government may direct, but a copy thereof in the language of the district shall be filed in the Office of the Collector, and shall be open to public inspection at all reasonable times without any payment.

The local Government shall have power to declare what shall, for the purposes of this Act, be deemed to be the language of the district.

Collector may require list of persons in any house.

11. The Collector may by a notice in writing require the occupier of any house, manufactory, or shop to forward to him a statement in writing signed by the occupier of the names of all persons residing in such house or working in such manufactory or shop, and of their respective trades, dealings, industries, or occupations.

Collector to determine class under which licensee is to be charged.

12. The Collector shall from time to time determine under which of the classes or grades mentioned in Schedule A hereto annexed every person required to take out a license under this Act shall be charged, and shall prepare or amend the said list accordingly.

Persons carrying on several trades.

13. A person or firm carrying on several trades, dealings, or industries in the same district, and coming under more than one of the designations in the said Schedule, shall be chargeable only under one of the said designations at the discretion of the Collector. And in the case of a firm, payment by any one of the partners shall, for the purposes of this Act, be considered payment by the firm.

Power to remit fee.

14. The Collector may, subject to such rules as the local Government may lay down, remit the whole or any part of the fee payable under this Act by any person who may carry on his trade, dealing, or industry for a portion of the year only.

15. The list, or such part or parts thereof as the Collector thinks fit, shall be published in the principal bazars, and at all police-stations of all towns, and at all sub-divisional offices, police-stations, and out-posts in the district, and at some conspicuous place in all villages concerned, together with a notification setting forth the Schedule hereto annexed applicable to the district, and directing that if any person falling under any of the classes specified in the said Schedule, whether he is mentioned in such list or not, continues his trade or dealing in the said district, payment of the fee specified in the list as payable by him, or, when he is not mentioned in such list, of the fee mentioned in the said Schedule as payable by persons of the class and grade to which he belongs, must be made by him within sixty days of the date of the publication of the notification, and within sixty days next after the first day of April of each succeeding year.

Publication of list and notification.

16. When a statement in writing has been furnished to the Collector under section eleven, from which it appears that any person in the employ of any other person, company, or corporation is chargeable with fees under this Act, the Collector may require the employer of such person to deduct the amount of his fee from any salary or wages due to such person, and to pay it to the Collector on his behalf.

Levy of fees on artisans and others in large works.

17. Any person mentioned in the list referred to in section ten, and objecting to the class or grade in which he is charged, may, within thirty days after its publication, or within such further time as the Collector may in each case think fit, apply by petition to the Collector in order to establish his right to have his name transferred to another class or grade, or altogether removed from the list.

Petition of objector.

18. The Collector shall fix a day for the hearing of the petition, and on the day so fixed, or on such subsequent day as he may from time to time direct, shall hear the same and pass such order thereon as he thinks fit;

Hearing of petition.

provided that if in the judgment of the Collector the petitioner is able to show that the fee which has been charged exceeds two per centum upon his annual earnings in his trade, dealing, or industry within the district, such excess shall, for the purpose of section seventeen, be deemed a valid ground of objection, and the Collector shall thereupon order the petitioner's name to be transferred to another class or grade, or to be altogether removed from the list. The Collector may also on this ground at any time reduce the amount of fee payable by any person

Transfer to different class or grade.

under class V of Schedule A hereto annexed, to the fee payable under class VI.

Appeals.

19. There shall be no appeal from an order of a Collector under section eighteen; but where the order is passed by any officer subordinate to a Collector, an appeal shall lie to the Collector, or to some officer specially empowered by the local Government in this behalf, whose decision shall be final. Every petition of appeal under this section shall be accompanied by a copy of the order complained of, and be presented within fifteen days of the date of such order. In computing the said period of fifteen days, the day on which the order complained of was made, and the time requisite for obtaining a copy of the same, shall be deducted.

Power to summon witnesses, &c.

20. The Collector may, for the purpose of enabling him to determine under which of the said classes or grades the petitioner should be charged, summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents, by the same means, and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure;

provided that the Collector shall not, in the course of any proceedings under this section, call for any evidence except at the instance of the petitioner, or in order to ascertain the correctness of facts alleged by him.

Penalty for carrying on business without a license.

21. If, after expiry of the period mentioned in the notification published under section fifteen for payment of the amount specified therein, any person carries on his trade, dealing, or industry without having taken out a license as required by this Act, he shall be liable by order of the Collector to pay a fine not exceeding thrice the amount payable by him in respect of such license, exclusive of the amount so payable; and on receipt of such payment the Collector shall grant him a license.

Recovery of fees and penalties.

22. All sums due under section twenty-one, and all fees payable under this Act, shall, where the amount exceeds fifty rupees, be recoverable either as if they were arrears of land revenue, or by distress and sale of the moveable property of the person liable, at the discretion of the Collector. In all other cases they shall be recoverable by distress and sale of the moveable property of the person liable.

The provisions of sections 113, 114, 115, and 119 of Bengal Act V of 1876 shall apply as far as possible to warrants of distress and sale issued by

the Collector under this section, and no tools or implements of trade or agriculture shall be distrained or sold under any such warrant.

Limitation.

23. No sums due under this Act shall be recoverable by any process of law after the expiry of three months from the last day of the year in respect of which they are payable.

License to be produced on demand.

24. Every person holding a license under this Act shall produce and show such license when required so to do by an officer generally or specially empowered in writing by the Collector to make such requisition.

Prosecution to be at instance of Collector.

But, save so far as is provided in section twenty-nine, no person shall be proceeded against for neglect or refusal to produce such license except at the instance of the Collector.

Courts of Wards, receivers, and managers chargeable.

25. Courts of Wards and receivers and managers, appointed by any Court in British India, shall be chargeable under this Act in respect of any trade, dealing, or industry of which the income is officially in their possession or under their control.

Power to trustee, &c., to retain money for payment of fee.

26. When any trustee, guardian, curator, committee, or agent is charged under this Act in such capacity, or when any Court of Wards or receiver or manager, appointed by any Court, is charged under this Act, every Court and person so charged may, from time to time, out of the money coming to its or his possession as such trustee, guardian, curator, committee, or agent, or as such Court of Wards, receiver, or manager, retain so much as is sufficient to pay the fee charged.

Every such person or Court is hereby indemnified for every retention and payment made in pursuance of this Act.

Power to require returns from municipalities.

27. The Collector may require the Commissioners, and the punchayet of any union constituted under Bengal Act V of 1876, or any village punchayet appointed under Bengal Act VI of 1870, to furnish, within a period to be specified under the orders of the local Government, returns showing the names and numbers of persons chargeable under this Act resident within the limits of their municipality, union or village, together with the class under which they respectively fall and the fees payable by them respectively.

When Collector may revise return.

If the Commissioners or the punchayet fail within the period prescribed to make such returns, or if they make such returns and the Collector has reason to doubt their accuracy, he may at any time revise the return or cause a return showing the names,

numbers, and classes aforesaid to be prepared in such manner as may prescribed by the local Government.

Such return when finally accepted or settled by the Collector shall be deemed to be the list referred to in section ten.

Petition of objection.

On the presentation of a petition of objection under section seventeen by any person entered in such list, the Collector may either dispose of it himself or may refer it to any officer specially empowered by Government under section nineteen, or to a bench of not less than three Commissioners, whose decision shall be final.

Notice to municipalities.

28. When the return mentioned in the last preceding section has been furnished or prepared for any municipality, station, or union, the local Government may call upon the Commissioners, or may direct the Magistrate, in the case of a union, to pay to the Collector, within a period to be named by the local Government, a sum calculated on such return in accordance with the provisions of this Act, after such deduction for necessary expenses as the local Government may fix.

Penalties and fines to be credited to Municipal Funds.

29. The Commissioners and Magistrate as aforesaid may take proceedings under sections twenty-one and twenty-four for the recovery of any penalties and fines, and shall exercise the powers conferred on a Collector by section twenty-four.

All such penalties and fines shall, when so recovered, be credited to the Municipal, Station, or Union Fund, as the case may be.

Power of recovery of fees in municipalities.

30. The Commissioners and the Magistrate as aforesaid shall have the same powers of recovering the fees chargeable under this Act within the limits of their municipality, station, or union that they have for the realization of municipal taxes under Bengal Act V of 1876.

By Collector as an arrear of land revenue.

Where the amount due exceeds fifty rupees and it cannot be recovered in the manner above provided, application may be made by the Commissioners or Magistrate aforesaid to the Collector, and the Collector shall thereupon proceed to recover it as an arrear of land revenue.

Payment by appropriating municipal revenues.

The said Commissioners or Magistrate may also appropriate any part of the revenues of their municipality, station, or union for the payment of any sum leviable from it under section twenty-eight; and if the sum so leviable is not paid at due date, the local Government may order it or any part of it to be deducted from any funds standing to the credit of the municipality, station, or union in any Government treasury.

Exemption of licensees from house cess under Road Cess and Public Works Acts.

31. No person who pays fees under this Act shall, so long as he continues to pay the same, be liable to pay any instalment of road cess or public works cess on his house under Part IV of Bengal Act X of 1871, or section 7 of Bengal Act II of 1877, falling due after the first day of April 1878.

Powers of Collector under Act may be exercised by other officers.

32. All or any of the powers and duties conferred and imposed by this Act on a Collector may, subject to the orders of the Collector of the district, be exercised and performed by any Assistant or Deputy Collector, or by such other officer as the local Government shall from time to time appoint in this behalf.

PART IV.

Special Provisions for the Town of Calcutta.

Special scale of fees in Calcutta.

33. From every person who shall within the town of Calcutta exercise any of the trades, dealings, industries, or callings included in the classes specified in Schedule B hereto annexed, the Commissioners shall levy the fees shown in the said Schedule, and shall pay to the local Government annually a sum to be fixed by such Government and calculated on the proceeds of such fees.

Definition of resident and of the town of Calcutta.

For the purposes of this Part, any person working or carrying on business in Calcutta shall be deemed to be a resident of Calcutta, and the town of Calcutta shall be deemed to include all places within the local limits of the ordinary original jurisdiction of the High Court of Judicature of Fort William in Bengal, including Fort William itself, the river Hooghly within Port limits, the Esplanade, and Coolie Bazar, now called Hastings.

Procedure in Calcutta.

34. The provisions of sections ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, twenty, twenty-one, twenty-three, twenty-four, twenty-five, and twenty-six shall be in force in the Town of Calcutta, and all the powers of a Collector under the said sections shall be exercised by the Chairman of the Commissioners, or by some person or persons authorized by him in that behalf.

Petition of objection.

35. On the presentation of a petition of objection under section seventeen, the Chairman may either himself dispose of it, or may refer it for disposal to a bench of not less than three Commissioners. The Chairman or any such bench may reduce the amount of fee payable by any person under the said Schedule B to the fee payable under any lower class or grade of that Schedule, on its being shown to his or their satisfaction that the fee charged exceeds two per centum upon the annual earnings of such petitioner in his trade, dealing, or industry

carried on within the limits of the said Town of Calcutta; and the Chairman shall amend the list published under section fifteen in accordance with the orders passed upon such petition.

There shall be no appeal from any orders passed under this section.

Recovery of sum due under this Part.

36. The Commissioners shall have the same powers for the recovery of all sums due under this Part that they have for the realization of municipal rates under Bengal Act IV of 1876.

PART V.

MISCELLANEOUS.

Disposal of fees and penalties.

37. From the nett amount of all fees and penalties paid or recovered under this Act other than those credited to Municipal, Station, or Union Funds under section twenty-nine, after deducting the expense of collection, so much as the Governor-General in Council from time to time directs shall be applied, in such manner as the Governor-General in Council thinks fit, for the purpose of increasing the revenues available for defraying expenditure incurred or to be incurred for the relief and prevention of famine in the territories administered by the local Government, or, if the Governor-General in Council so directs, in any other part of British India.

The residue (if any) of such nett amount shall be carried to the credit of the local Government.

Obligation to furnish information.

38, Every person shall be legally bound to furnish information to any officer or person exercising any of the powers of a Collector under this Act when required by him to do so.

Power to exempt and make rules.

39. The local Government may from time to time (*a*) exempt from the operation of this Act any portion of the territories subject to such Government, or any persons or class of persons in such territories, and may (*b*) make rules consistent with this Act—

(1) for defining more precisely the classes of persons liable under this Act;

(2) for regulating the time and manner of collecting the fee charged under this Act;

(3) for reducing the fees chargeable to members of the same family when living and working together;

(4) for providing in any case or class of cases for serving notices on persons charged under this Act; and

(5) generally for the guidance of officers in all matters connected with the enforcement of this Act.

SCHEDULE A.

Fees for Licenses applicable throughout the Territories subject to the Lieutenant-Governor of Bengal with the exception of the Town of Calcutta.

Class I.—Every joint-stock company; every banker; every wholesale merchant, dealer, commission agent, or manufacturer; every professional money-lender; every ship-owner; and every mill-owner or screw-owner.	First Grade, Rs. 50. Second Grade, Rs. 200.	
		Rs.
Class II.—Every person carrying on any trade, dealing, or industry who shall be adjudged by the Collector to be a licensee of this class		100
Class III.—Every person carrying on any trade, dealing, or industry who shall be adjudged by the Collector to be a licensee of this class		50
Class IV.—Every person carrying on any trade, dealing, or industry who shall be adjudged by the Collector to be a licensee of this class		20
Class V.—Every person carrying on any trade, dealing, or industry within any first class municipality and not charged under any of the foregoing classes, and every other person who shall be adjudged by the Collector to be a licensee of this class		5
Class VI.—Every person carrying on any trade, dealing, or industry and not charged under any of the foregoing classes	First Grade, Rs. 2. Second Grade, Re. 1.	

SCHEDULE B.

Fees for Licenses applicable only in the Town of Calcutta.

Class I.—Every joint-stock company; every banker, shroff, or banian; every wholesale merchant, dealer, commission agent, or manufacturer; every builder; every contractor; every carrying company; every owner or farmer of hauts or bazars; every owner of cotton, jute, hide, or other screws; every ship-owner or dock-owner or owner of chowks; and every auctioneer.	First Grade, Rs. 500. Second Grade, Rs. 200.

		Rs.
Class II.—	Every broker or dalal employed in the wholesale transfer or purchase of imports or exports, country* produce, silk, or other merchandise; every broker or dealer in precious stones, houses, landed property, Government securities, shares, and bills-of-exchange; every freight broker; every owner or lessee of a theatre or other place of public amusement; and every wholesale bepari	100
Class III.—	Every professional accountant; every auditor; every appraiser paid by fees; every surveyor; every mill-owner; and every person included in Class II of the third Schedule of Bengal Act IV of 1876, not charged under Class I above	50
Class IV.—	Every manufacturer of ærated waters; every dealer in gold or silver, or old building materials; every stevedore; and every person included in Class III of the third Schedule of Bengal Act IV of 1876, not charged under Class II above	25
Class V.—	Every brazier; every coppersmith; every die-sinker; every engraver; every farrier; and every person included in Class IV of the third Schedule of Bengal Act IV of 1876	12
Class VI.—	Every person carrying on any trade, dealing, or industry not charged under any of the foregoing classes.	First Grade, Rs. 5. Second Grade, Rs. 2. Third Grade, Re. 1.

ACT No. II of 1878.

(*Received the assent of the Lieutenant-Governor on the 5th February* 1878, *and of the Governor-General on the 25th idem.*)

An Act to extend the provisions of Bengal Act VII of 1873 (*the Labor Districts Emigration Act) to the district of Chittagong and to the Chittagong Hill Tracts.*

Preamble.

WHEREAS it is expedient to extend the provisions of Bengal Act VII of 1873 (the Labor Districts Emigration Act) to the district of Chittagong and to the Chittagong Hill Tracts; It is enacted as follows :—

1. This Act shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Commencement of Act.

The Act came into force on the 27th of March 1878.—*Calcutta Gazette*, 1878, Part III, p. 1.

2. For the third paragraph of section 3 of Bengal Act VII of 1873, the following shall be substituted:

Amendment of section 3 of Bengal Act VII of 1873.

The "Labor Districts" mean the districts of Assam, Cachar, Sylhet, Chittagong, and the Chittagong Hill Tracts, and a "labor district" means any one of those districts.

"Labor Districts."

3. For the words "the districts of Assam, Cachar, and Sylhet," in Schedules C and D of the said Act, the words "Assam, Cachar, Sylhet, Chittagong, and the Chittagong Hill Tracts," shall be substituted.

Amendment of Schedules C and D.

4. The provisions of Part III of the said Act shall be deemed to extend to all laborers who at the time of the commencement of this Act shall be serving in the district of Chittagong or the Chittagong Hill Tracts in accordance with any contract to labor, provided that they have been conveyed to the said districts at the expense of their employers.

Part III of Bengal Act VII of 1873 to extend to existing contracts.

ACT No. III of 1878.

(*Received the assent of the Lieutenant-Governor on the 25th February* 1878, *and of the Governor-General on the 26th March* 1878.)

An Act to define and limit the powers of Settlement Officers with respect to enhancement of rent.

WHEREAS it is expedient to define and limit the powers of settlement officers in the territories subject to the Lieutenant-Governor of Bengal in respect of the enhancement of rent; It is enacted as follows:—

Preamble.

1. This Act shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Commencement of Act.

The Act came into force on the 3rd of April 1878.—*Calcutta Gazette*, 1878, Part III p. 22.

2. No ryot having a right of occupancy shall be liable to have the rent previously payable by him enhanced in the course of any settlement proceedings under Regulation VII of 1822, except on some one or more of the grounds specified in section 18 of Bengal Act VIII of 1869, or, where Act X of 1859, is still in force, in section 17 of the latter Act.

Rent of ryot having right of occupancy not to be enhanced by settlement officer except as under Bengal Act VIII, 1869, or Act X, 1859.

3. The following words shall be added to section 15 of Bengal Act VIII of 1869, and to section 14 of Act X of 1859 :—

Provisoes added to section 15, Bengal Act VIII, 1869, and section 14, Act X, 1859.

"Provided that where in the course of any settlement proceedings conducted under Regulation VII of 1822, and confirmed by the revenue authorities from time to time empowered in this behalf by the local Government, a higher rent has been recorded as demandable from any under-tenant or ryot than was previously paid by him, such rent shall be deemed to have been correctly enhanced until the contrary is proved:

"Provided also that any suit by such under-tenant or ryot to contest his liability to pay the enhanced rent shall be instituted within three months from the date of the service of the notice of enhancement, and provided also that, unless he has instituted such suit within such period, he shall not contest the said liability in answer to any suit which may be preferred against him for recovery of arrears of enhanced rent after the expiration of three months from the date of service of such notice, anything in this Act to the contrary notwithstanding."

4. A notice in writing served on an under-tenant or ryot by, or by the authority of, a settlement officer, calling on him to attend and sign the *jummabundi*, shall be deemed a notice within the meaning of section 14 of Bengal Act VIII of 1869, and section 13 of Act X of 1859;

Notice to sign *jummabundi* shall be deemed notice of enhancement.

provided that it shall not be necessary to make personal service of such notice on each under-tenant or ryot, but that service may be lawfully made through proclamation by beat of drum of a general notice addressed to all whom it may concern, and by affixing such general notice with a copy of the *jummabundi*, or of such part thereof as the Collector may think fit, at the mâl cutcherry of the village to which the *jummabundi* relates, or at some other conspicuous place therein.

5. Whenever in any settlement proceeding conducted and confirmed as aforesaid a higher rent than the rent previously paid has been recorded as demandable from any ryot having a right of occupancy, the amount of such higher rent and the grounds of the enhancement shall

In case of enhancement the rent and grounds of enhancement to be specified in notice.

be specified in any notice served upon the said ryot under clause 1 of section four, or in the *jammabundi* appended to any general notice served under clause 2 of section four, as the case may be.

Application of Act.

6. The provisions of this Act shall apply to all settlement proceedings under Regulation VII of 1822 which, after the commencement of this Act, may be confirmed by the revenue authorities mentioned in section three, whether such proceedings shall have been commenced before or after the commencement of this Act.

ACT No. IV OF 1878.

(Received the assent of the Lieutenant-Governor on the 10th April 1878, and of the Governor-General on the 4th May 1878.)

An Act to amend Bengal Act V of 1866.

Preamble.

WHEREAS it is expedient to amend Bengal Act V of 1866; It is enacted as follows:—

Clauses added to section 2 of Bengal Act V of 1866.

1. To section two of the said Act the following clauses shall be added:—

"But the local Government may, if it think fit, empower the Corporation of the Town of Calcutta to appoint such registering officer, and any officer when so appointed shall, so far as the Town and Suburbs of Calcutta are concerned, be subject to the order, disposition, and control of the said Corporation.

"The appointment and removal of such registering officer shall be subject to the provisions of section 36 of the Calcutta Municipal Consolidation Act, 1876."

Commencement of Act.

2. This Act shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

The Act came into force on the 15th of May 1878.—*Calcutta Gazette*, 1878, Part III, p. 27.

ACT No. V OF 1878.

(*Received the assent of the Lieutenant-Governor on the* 10*th April* 1878, *and of the Governor-General on the* 16*th May* 1878.)

An Act to amend Bengal Act VII of 1876.

Preamble.

WHEREAS it is expedient to amend Bengal Act VII of 1876; It is enacted as follows:—

New clause substituted in section 55 of Bengal Act VII of 1876.

1. For the first clause of section 55 of the said Act the following shall be substituted:—

"If the applicant's possession of, succession to, or acquisition by transfer of, the extent of interest in respect of which he has applied to be registered, is disputed by or on behalf of any person making a conflicting claim in respect thereof, and if it is not proved to the satisfaction of the Collector that any person is in possession of the interest in dispute, the Collector shall determine summarily the right to possession of the same, and shall deliver possession accordingly, and shall make the necessary entry in the registers."

Commencement of Act.

2. This Act shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

The Act came into force on the 29th of May 1878.—*Calcutta Gazette*, 1878, Part III, p. 31.

ACT No. VI OF 1878.

(*Received the assent of the Lieutenant-Governor on the* 10*th April* 1878, *and of the Governor-General on the* 20*th June* 1878.)

An Act to provide for the cleansing and construction of Latrines in First-class Municipalities.

Preamble.

WHEREAS it is expedient that the Commissioners of first-class municipalities under the Bengal Municipal Act, 1876, should have power to levy fees for the cleansing of public and private latrines, and also to cause the construction of latrines within the limits of such municipalities; It is enacted as follows:—

Definition of "the Commissioners," and of "holding."

1. In this Act "the Commissioners" means the Commissioners of any first-class municipality under the Bengal Municipal Act, 1876;

and "holding" means a holding as already ascertained for purposes of assessment under the said Act.

2. The Lieutenant-Governor of Bengal may, on the recommendation of the Commissioners at a meeting, by an order published as prescribed in section 365 of the said Act, declare that from a date to be specified in such order the Commissioners will maintain an establishment for the cleansing of all public and private latrines within the limits of the municipality, or any part thereof; and the Commissioners shall make suitable provision accordingly.

Lieutenant-Governor may publish order on recommendation of Commissioners.

3. When such provision has been made, the Commissioners may, notwithstanding anything contained in section 77 of the said Act, levy fees, to be fixed on such scale, with reference to the annual value of holdings within the limits of the municipality, or such part thereof as aforesaid, as the Lieutenant-Governor of Bengal may, on the recommendation of the Commissioners at a meeting, from time to time direct;

Commissioners may levy fees.

but the fee shall not exceed three rupees per annum where the valuation of the holding amounts to, or is less than, twenty-five rupees;

and the fee on any one holding shall not exceed four hundred and eighty rupees;

provided that if, on the commencement of this Act, the owners or occupiers of any holding are already under engagement to pay to the Commissioners an annual sum exceeding four hundred and eighty rupees for the cleansing of their premises, such sum, or such other sum as may from time to time be agreed upon between them and the Commissioners, may be levied from them in accordance with the provisions of this Act.

4. The said fee shall be payable by the occupier for the time being of the holding, or by the owner thereof under section five of this Act, in quarterly instalments, and shall be recoverable in the manner prescribed for the recovery of the rate on the value of holdings in the Bengal Municipal Act, 1876.

Recovery of fees.

Every instalment of the said fee shall be deemed to be due on the first day of the quarter in respect of which such instalment is payable.

The proceeds of the said fees shall be applied to the maintenance of the said establishment, and to the providing of public latrines, and generally to carrying out the provisions of this Act.

A list of the said fees, and of the persons liable to pay the same, shall be published once in every year as prescribed in section 365 of the Bengal Municipal Act, 1876.

5. If any holding is occupied in severalty by more than one person, the Commissioners may levy the said fee from the owner of such holding, who may recover from each occupier such sum as shall bear to the entire amount of the fee so levied the same proportion as the value of the part of the holding in the occupation of such person bears to the entire value of such holding.

In certain cases fee may be levied from owner, who may recover from occupier.

6. Every owner who, under the provisions of the last preceding section, is entitled to recover any sum from the occupier of any part of a holding, shall have for the recovery of the said sum all such and the same remedies, powers, rights, and authorities as if such sum were rent payable to him by the occupier in respect of such portion of the holding as may be in his occupation.

Owner may recover fees from occupier as rent.

7. The Commissioners, at their discretion, may compound, for any period not exceeding one year, with any occupier or owner as aforesaid of any railway premises or of any premises used as a factory, dockyard, workshop, cooly depôt, school, hospital, market, court-house, or other similar place, for a certain sum to be paid by such occupier or owner in lieu of such fee.

Commissioners may compound with occupier or owner of certain premises for fee.

8. The Commissioners may, in lieu of the aforesaid fee, levy a rate per head, to be fixed by the said Lieutenant-Governor, on the recommendation of the Commissioners at a meeting, on the number of persons living within, or habitually resorting to, any such railway premises, factory, dockyard, workshop, cooly depôt, school, hospital, market, court-house, or other similar place.

Commissioners may levy a rate per head.

9. The Commissioners may reduce the amount of a fee payable under this Act, or may remit the fee if in their opinion the levy of it would be productive of excessive hardship, to the person liable to pay the same.

Commissioners may reduce or remit fee.

10. Whoever refuses to pay any fee or rate due under this Act, or having compounded for the payment of a certain sum under section seven of this Act, refuses to pay such sum, shall be liable on conviction to a fine not exceeding three times the amount payable by him, exclusive of the amount so payable.

Penalty.

11. No person liable to pay a fee or rate under the provisions of this Act shall be punished with fine for neglecting or refusing to keep his privy in a proper state under section 203 of the Bengal Municipal Act, 1876.

Exemption from prosecution under section 203 of Bengal Act V of 1876.

12. All servants of the Commissioners employed for the purposes of this Act may, within such hours as may be fixed by the Commissioners, enter on any premises of which the occupier or owner is liable to pay a fee or rate as aforesaid, and do all things necessary for the performance of their duties under this Act.

Powers of servants of Commissioners employed for this Act.

13. The Commissioners at a meeting may make an order requiring all nightmen within the limits of the municipality, or any part thereof, to take out licenses, and to be servants of the Commissioners for the purpose of removing offensive matter from premises within the said limits.

Commissioners may require nightmen to take out licenses.

The Commissioners at a meeting may grant such licenses subject to such conditions as they may think fit, and may impose fees in respect of the same.

Subject to the approval of the local Government, the Commissioners may make rules consistent with this Act, to define the duties of such nightmen, and from time to time alter, add to, or repeal such rules; and any breach of such rules shall subject the offender to a forfeiture of his license and to a fine not exceeding twenty rupees.

14. If the Commissioners think that any latrine or additional or common latrine should be provided for any house or land within the limits of the municipality, the owners of such house or land shall, within fourteen days after notice in that behalf by the Commissioners, or within such longer time as the Commissioners may for special reasons allow, cause such latrine to be constructed in accordance with the requisition of such notice; and if such latrine is not constructed to the satisfaction of the Commissioners within such period, the Commissioners may cause the same to be constructed, and the expenses thereby incurred shall be paid by the owners, and shall be recoverable as provided in section four of this Act.

Commissioners may require latrine to be constructed, and in default may construct themselves.

15. The Commissioners may, by a notice in writing, require the owner or occupier of any holding to furnish, within a time to be specified in the notice, a list of the number of persons residing in, or habitually resorting to, such holding.

Commissioners may require list of persons in a holding.

16. Whoever, being the owner or occupier of any holding, fails to furnish such list within the time specified in such notice after being required in that behalf by the Commissioners, shall be liable to a fine not exceeding one hundred rupees.

Penalty.

BENGAL SECRETARIAT LIBRARY

17. This Act shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

Commencement of Act.

The Act came into force on the 3rd of July 1878.—*Calcutta Gazette*, 1878, Part III, p. 37.

18. This Act shall be read with, and taken as part of, the Bengal Municipal Act, 1876.

Construction of Act.

THE BENGAL EXCISE ACT, 1878.

CONTENTS.

PREAMBLE.

PART I.

PRELIMINARY.

SECTION.

1.—Short title.
2.—Extent and commencement.
3.—Enactments repealed.
4.—Interpretation clause.

PART II.

MANUFACTURE OF EXCISEABLE ARTICLES.

5.—Manufacture of exciseable articles and cultivation of plants without license prohibited.
6.—Construction and working of brewery without license prohibited.
7.—European distilleries not to be constructed or worked without license.
8.—Board may prescribe rules for European distilleries and for breweries.
9.—Collector may establish Native distilleries for spirituous liquors.
10.—Board may prescribe rules for Native distilleries.

PART III.

SALE AND POSSESSION OF EXCISEABLE ARTICLES.

11.—Exciseable articles not to be sold without license.
12.—Fee for wholesale license.
13.—Fee for retail license.
14.—Local Government may suspend operation of provisions relating to tárí.
15.—Wholesale and retail licenses.
Sale of assortment.
16.—Restriction of sale of ganja and bhang.
17.—Illegal possession.

PART IV.

Duties.

18.—Removal of spirituous liquor from distilleries.
19.—Spirituous liquors from foreign territory subject to duty.

PART V.

Farm of Duties.

20.—Collector, with the sanction of the Board, may farm out the duties.
21.—Board may prescribe rules.
22.—Farmer to make arrangements with local manufacturers and vendors.
23.—List of licenses granted by farmer to be filed.
Restrictions as to grant of licenses.
24.—Lease may be cancelled.
Compensation to farmers in certain cases.
25.—Recovery of arrears of fee or duty by farmers.

PART VI.

Licenses.

26.—Licensees to execute counterpart and furnish security.
27.—Duration and renewal of license.
28.—Board may regulate form of license.
29.—License may be cancelled or re-called in certain cases.
30.—Surrender of license.

PART VII.

Powers of Officers.

31.—Collectors to have charge of the Excise Revenue.
32.—Local Government may appoint Superintendent of Excise.
33.—Local Government may appoint Commissioners of Excise.
34.—Collectors may appoint Excise Officers.
35.—Board may regulate supply of tárí and intoxicating drugs to licensed vendors.
36.—Recovery of arrears of fee or duty.
37.—Powers of Excise Officers to enter and inspect dealer's shop.
38.—And to arrest persons carrying exciseable articles liable to confiscation.
39.—And to arrest unlicensed distillers, &c.
40.—And to search on information of illicit manufacture or possession.
41.—Officers of the Police, Customs, and Revenue Departments may be vested with same powers as Excise Officers.
42.—Similar powers to be exercised by Police Officers in Calcutta.
43.—Excise or Police Officer may arrest persons drinking and seize liquors drunk on the premises of a chemist.

44.—Excise Officer to report every arrest, seizure or search, to his official superior, and to take the person arrested to the Magistrate.
45.—Police Officer in Calcutta to make report to Commissioner of Police.
46.—Collector may issue warrant of arrest in certain cases.
47.—Collector may issue search warrant.
48.—Procedure after arrest or seizure.
49.—Procedure in cases other than those of persons sent in custody by a Collector or Excise Officer.
50.—Seizure and disposal of exciseable articles unlawfully sold.
51.—Search for articles concealed in zenana.
52.—Police Officers to assist Excise Officers on request.

PART VIII.

PENALTIES.

53.—For unlicensed manufacture or sale of exciseable articles.
54.—For unlicensed cultivation of plants produciug intoxicating drugs, and abetment of the same.
55.—For contracting or working distillery or brewery without license.
56.—For contravention of rules prescribed by Board in respect of distillery or brewery.
57.—For illegal removal of spirituous or fermented liquors from European distillery or from a brewery.
58.—For illegal removal of spirituous liquors from Native distillery.
59.—For refusing to produce license on demand of Excise Officer, or for breach of license.
60.—On retail vendor for selling wholesale, and on wholesale vendor for selling by retail.
61.—For possessing a greater quantity of any exciseable article than is specified in section 15 without a license or pass.
62.—Provisions of last section not to apply to the possession of tárí used in making sugar, nor to the possession of intoxicating drugs by licensed cultivators.
63.—Penalty for sale or transfer by cultivators to unlicensed person, or for failure to account for stock of plant in possession.
64.—For illegal possession of certain spirituous liquors.
65.—For conniving at the illicit manufacture or sale of exciseable articles.
66.—On chemist, &c., allowing liquors to be drunk on the premises.
67.—For permitting drunkenness, &c., in shop.
68.—On Police Officer for not assisting Excise Officer.
69.—On Excise Officer for vexatious search or seizure.
70.—On Excise Officer for conniving at unlawful manufacture or sale.
71.—On Excise Officer for delay in reporting arrest, &c., or in carrying person arrested to Magistrate or Collector.
72.—Adjudication of fines and seizures.

73.—Penalty for contempt of Court
74.—Punishment on second or subsequent conviction.
75.—Confiscation of exciseable articles.
76.—Disposal of confiscated articles.
77.—Division of fine among informers, &c.
78.—Board may grant rewards.
79.—Disposal of fines.

PART IX.

MILITARY CANTONMENTS.

80.—Manufacture and sale of exciseable articl s in Military Cantonments.
81.—Mode of making arrest or search in Military Cantonments.

PART X.

MISCELLANEOUS.

82 —Exemption of liquor from provisions of Act.
83.—Appeals.
84.—Local Government may assign to any Municipality the granting of licenses.
85.—Saving of Acts.
SCHEDULE.

ACT No. VII. OF 1878.

(*Received the assent of the Lieutenant-Governor on the 1st of May* 1878, *and of the Governor-General on the 3rd July* 1878.)

An Act to consolidate and amend the Law relating to the Excise Revenue in the Presidency of Fort William in Bengal.

Preamble.

WHEREAS it is expedient to consolidate and amend the laws relating to the manufacture, sale, and possession of exciseable articles, and to the collection of the revenue derived therefrom; It is enacted as follows :—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as "The Bengal Excise Act, 1878."

Extent and commencement.

2. It extends, save as is hereinafter expressly specified, to all the territories for the time being administered by the Lieutenant-Governor of Bengal, and shall come into

force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

The Act came into force on the 24th of July 1878.—*Calcutta Gazette*, 1878, Part III., p. 43.

Enactments repealed.

3. The enactments specified in the Schedule hereto annexed are hereby repealed to the extent mentioned in the third column thereof.

This repeal shall not revive any office, authority, or thing abolished by any such enactment, or affect the validity of anything done or suffered, or any right, title, obligation, or liability accrued before the commencement of this Act.

And all rules prescribed, appointments made, powers conferred, licenses granted, and notifications published under any such enactment, and all other rules (if any) now in force and relating to the matters hereinafter dealt with, shall (so far as they are consistent with this Act) be deemed to have been respectively prescribed, made, conferred, granted, and published hereunder.

And all references made to any such enactment shall, as far as may be practicable, be deemed to be made to this Act.

And all proceedings now pending, which may have been commenced under any such enactment, shall be deemed to be commenced under this Act.

Interpretation clause.

4. In this Act—unless there be something repugnant in the subject or context—

"Board."

"Board" means the Board of Revenue for the provinces for the time being administered by the Lieutenant-Governor of Bengal.

"Collector."

"Collector" includes also

a Deputy Collector, or other Revenue officer in independent charge of a district,

a Superintendent of Excise Revenue,

any covenanted or uncovenanted officer to whom the Collector may make over, with the previous sanction of the Commissioner (as he is hereby empowered to do), any of his powers or duties under this Act.

"Commissioner."

"Commissioner" means the Commissioner of a Revenue Division.

"Exciseable article."

"Exciseable article" includes spirituous and fermented liquors and intoxicating drugs as defined by this Act.

"Fermented liquor" includes—

"Fermented liquor."

malt liquor of all kinds;
tárí, fresh or fermented;

pachwai, diluted or undiluted; and

any other intoxicating liquor which the local Government may from time to time declare to be included in this definition.

"Intoxicating drugs" include—

"Intoxicating drugs."

ganja;
bhang or siddhi;
charas;

every preparation and admixture of any of the above;

any other intoxicating drug which the local Government may from time to time declare to be included in this definition.

"Local Government."

"Local Government" means the Lieutenant-Governor of Bengal for the time being, or the person acting in that capacity.

"Section."

"Section" means a section of this Act.

"Spirituous liquor."

"Spirituous liquor" includes any spirituous liquor imported into India or manufactured in India by any process of distillation.

"The Town of Calcutta."

"The Town of Calcutta" includes all places within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Fort William in Bengal.

Calcutta a separate district.

For the purposes of this Act the town of Calcutta shall be deemed to be a separate district.

PART II.

Manufacture of Exciseable Articles.

Manufacture of exciseable articles and cultivation of plants without license prohibited.

5. No person shall manufacture any exciseable article, or cultivate plants from which intoxicating drugs are produced, without a license from the Collector.

Construction and working of brewery without license prohibited.

6. No person shall construct or work a brewery without a license from the Collector.

European distilleries not to be constructed or worked without license.

7. No person shall construct or work a distillery after the manner in which distilleries are constructed and worked in Europe without a license under the signature of the Collector of the district in which such distillery is situated, or,

in case the distillery is within twenty miles of Calcutta, or such other distance less than twenty miles as may from time to time be prescribed by the local Government, without a license under the signature of the Collector of Calcutta.

Board may prescribe rules for European distilleries and for breweries.

8. The Board may from to time make rules relative to

the granting of licenses under the two last preceding sections;

the management of distilleries and breweries established under the said sections; and

the issue of spirituous and fermented liquors therefrom.

Collectors may establish native distilleries for spirituous liquors.

9. The Collector, with the sanction of the Board, may

establish, at any place within his jurisdiction, a distillery in which spirituous liquors may be manufactured after native processes;

from time to time fix limits within which no such liquors, unless manufactured at the said distillery, shall be introduced or sold without a pass from the Collector, and within which no stills shall be constructed or worked, or spirituous liquors manufactured, except at the said distillery;

discontinue any distillery so established, and permit the manufacture of such liquors in distilleries established under section seven.

Board may prescribe rules for native distilleries.

10. The Board may from time to time make rule relative to

the management of distilleries established under the last preceding section;

the conditions on which spirituous liquors may be manufactured in the said distilleries; and

the issue of such liquors therefrom.

PART III.

Sale and Possession of Exciseable Articles.

Exciseable articles not to be sold without license.

11. No person shall sell any exciseable article without a license from the Collector.

Fee for wholesale license.

12. Persons taking out licenses for the wholesale vend of spirituous and fermented liquors shall pay, for every such license, such sum as the Board from time to time prescribes.

The license shall be current only in the district in which it is granted.

But travelling merchants may obtain, under such rules and restrictions as the Board from time to time may prescribe, a general license, authorizing

them to sell by wholesale in any district which they may visit in the course of their travel, without taking out a fresh license for that district.

Fee for retail license.

13. Persons taking out licenses for the retail sale of exciseable articles, or for the establishment of outstills, and the sale of the liquor manufactured therein, shall pay for every such license such fee or duty as may from time to time be fixed with the sanction of the Board, or a fee or duty regulated in such manner and in accordance with such rules as the Board may prescribe;

and such fee or duty shall be specified in the license, and shall be payable at such periods as the Board may direct.

Under Act XI of 1849, as amended by Bengal Act III of 1873, section 1, wherever a license was granted for the retail sale of intoxicating liquors, the Collector was authorized to demand "such fee, tax, or duty as may from time to time be fixed with the sanction of the Board of Revenue, or a fee, tax, or duty, adjusted or regulated in such manner and in accordance with such rules, as the Board of Revenue may prescribe" The Board of Revenue, having notified that liquor licenses for the year ending March 31st, 1874, would be put up to public auction certain licensed liquor vendors moved the High Court for a mandamus to compel the Board of Revenue to issue rules prescribing the fee payable for licenses. *Held*, that the matter wholly related to the revenue, and therefore by 21 Geo III, C 70, section 8, the High Court had no jurisdiction—*In the matter of Audhur Chundra Shaw, &c.*, 11 B L R, 250.

Local Government may suspend operation of provisions relating to tárí.

14. The local Government may suspend the operation of all the provisions relating to tárí contained in this Act with respect to any district in which the consumption of tárí in a fermented state is inconsiderable; and thereupon tárí may be possessed and sold without license in any such district, notwithstanding anything contained in this Act.

Wholesale and retail sale

15. Unless the Board shall otherwise specially direct, the sale of any exciseable article in a larger quantity than is specified below shall be deemed to be a sale by wholesale, and the sale of any other quantity shall be deemed a retail sale:—

spirituous or fermented liquors, two imperial gallons or twelve quart bottles;

tárí or pachwái, twelve seers;

ganja, siddhi or bhang, or any preparation or admixture of the same, one quarter of a seer;

charas, or any preparation or admixture of the same, five tolahs weight.

No licensed wholesale vendor shall sell by retail, and no licensed retail vendor shall sell by wholesale.

Sale of assortment.

Under this section a sale of an assortment of spirituous or fermented liquors in the quantity specified above, or in less quantity, by a licensed wholesale vendor, and a similar

sale of such liquors in greater quantity than is specified above by a licensed retail vendor, are prohibited.

The Board may by rule define what shall be held to be an assortment for the purposes of this section.

The Board may also determine what shall be a retail sale of any article from time to time declared by the local Government to be included in the definition of intoxicating drugs under this Act.

Restriction of sale of ganja and bhang.

16. No cultivator of the plants producing ganja or bhang shall sell such plants, or any ganja or bhang produced therefrom, to any one other than a person duly authorized to purchase the same by pass or license from the Collector.

Illegal possession.

17. No person, not being a licensed vendor, shall have in his possession a greater quantity of any exciseable article than that specified in section fifteen.

PART IV.

DUTIES.

Removal of spirituous liquor from distilleries.

18. No spirituous liquor shall be removed from any distillery, or the warehouses connected therewith, upon which duty has not been paid at the rate leviable under any Tariff Act for the time being in force, or until a bond has been executed for such duty.

For all spirituous liquor removed upon payment of duty or under bond, passes shall be issued by the Collector, which shall specify

the quantity and description of the liquor,
the place of its destination,
the amount of the duty,
the person to whom it is consigned, and
whether the duty has been paid or secured by bond, and
the period for which the pass shall be current.

Spirituous liquors from foreign territory subject to duty.

19. Spirituous liquor manufactured at any place in India beyond the limits of British India shall, on passing the limits of the territories to which this Act applies, be charged with the duty prescribed for spirituous liquor in the last preceding section.

PART V.

FARM OF DUTIES.

Collector, with the sanction of the Board, may farm out the duties.

20. The Collector may, with the sanction of the Board, let in farm the duties leviable on the retail sale of exciseable articles, or any of them, in any district or division of a district.

Board may prescribe rules

21. The Board may prescribe rules—

for the invitation and acceptance of tenders for such farms;

for the requisition of security for the due fulfilment of the engagements entered into by the farmers; and

as to the form and conditions of the lease.

Any breach of such conditions shall render the lease liable to annulment.

Farmer to make arrangements with local manufacturers and vendors.

22. When the duties leviable on any exciseable articles are let in farm, the farmer shall be at liberty to make his own arrangements with the manufacturers and vendors within the limits of his farm;

and all the fines hereinafter prescribed, for the unlawful manufacture, sale, or possession of any such article, shall be incurred by all persons manufacturing, selling, or possessing the same without license or authority from the farmer.

List of licenses granted by farmer to be filed.

23. Every such farmer shall file in the Collector's office a list of all the licenses granted by him in such form as may be prescribed by the Board.

Restrictions as to grant of licenses

The Collector may, with the sanction of the Board, before entering into engagements for any such farm, make such reservations or restrictions with respect to the grant of licenses as he thinks fit.

Lease may be cancelled.

24. The Collector may, with the sanction of the Board, cancel any lease granted under this Act; or may within the period of the lease impose any new restriction on the farmer.

Compensation to farmers in certain cases.

If a lease be cancelled for any cause other than a breach on the part of the farmer of the conditions of the lease, or if any reservation or restriction with respect to the grant of licenses be imposed within the period of the lease, the farmer shall be entitled to receive such compensation for any loss which he sustains thereby as the Board thinks fit.

Recovery of arrears of fee or duty by farmers.

25. Every farmer of excise revenue may use the same means and processes for the recovery of any arrear of fee or duty due to him from any authorized vendor, as may be lawfully used by zemindars and farmers of land for the recovery of arrears of rent due to them from their under-tenants.

PART VI.

LICENSES.

Licensees to execute counterpart and furnish security.

26. Every person taking out a license under this Act shall execute a counterpart engagement in conformity with the tenor of the license, and shall give such security for the performance of his engagement, or make such deposit in lieu of security as the Collector may require.

Duration and renewal of license.

27. Unless the Board shall otherwise specially direct, every license shall be granted for the term of one year, and if continued to the holder thereof, shall be formally renewed from year to year.

But every person holding a license, who may intend not to renew it, shall give notice of his intention to the Collector at least fifteen days before the year expires.

If such notice be not given, and the license be not re-called by the Collector, the license held, and engagement entered into by every such person, shall remain in force for such time as the Collector may think fit, as if the said license and engagement had been formally renewed.

Board may regulate form of license.

28. The Board may regulate the form and conditions of all licenses granted under this Act.

License may be cancelled or re-called in certain cases.

29. The Collector may cancel any license granted under this Act, if the fee or duty therein specified be not duly paid, or in case of a violation of any other condition thereof, or of the holder being convicted of a non-bailable criminal offence;

and in such cases the holder shall not be entitled to a refund of any fee or duty payable under the license which he may have paid to the Collector in advance.

If the Collector desires to re-call a license for any cause other than those above specified, he shall give fifteen days' previous notice and remit a sum equal to the fee or duty for fifteen days, or, if notice be not given, shall make such further compensation for default of notice as the Commissioner or Board directs.

In all such cases any fee or duty already paid in advance shall be refunded.

Surrender of license.

30. Any licensed vendor may surrender his license on giving fifteen days' previous notice to the Collector, and paying a sum equal to the fee or duty for fifteen days, in addition to the sum payable under the license.

PART VII.

Powers of Officers.

Collectors to have charge of the Excise Revenue.

31. The collection of the revenue arising from the manufacture and sale of exciseable articles shall be ordinarily under the charge of the District Collectors, who shall perform the duties connected therewith under the control and direction of the Commissioners and of the Board;

and all the proceedings of the Collectors shall be subject, with or without appeal, to the revision of the Commissioners;

and all proceedings of the Collectors and Commissioners shall be similarly subject to the revision of the Board.

Local Government may appoint Superintendent of Excise.

32. The local Government may appoint any person to be Superintendent of Excise Revenue, or of any branch of excise revenue, in any district or place; and the person so appointed shall exercise, in such district or place, or with respect to such branch of excise revenue, all the powers and authority conferred by this Act on the Collector, and the Collector shall cease to exercise such powers and authority in such district or place, or with respect to such branch of excise revenue, during the continuance of such appointment.

Local Government may appoint Commissioners of Excise.

33. The local Government may also appoint a Commissioner or Commissioners for the control and direction of the officers having charge of the excise revenue in any district or districts; and when such appointment is made, the Commissioner of Excise shall exercise within such district or districts the powers and authority conferred by this Act on Commissioners of Revenue, and the Revenue Commissioner shall cease to exercise such powers and authority in such district or districts during the continuance of such appointment.

Collectors may appoint excise officers

34. Collectors may appoint such officers as are necessary for the collection of the excise revenue and for the prevention of smuggling, and the officers so appointed shall, in addition to their ordinary designations, be styled Excise Officers.

Board may regulate supply of tárí and intoxicating drugs to licensed vendors.

35. The Board may regulate the mode in which tárí shall be supplied to licensed vendors of the same; and may frame rules for the grant of licenses or passes to persons purchasing, transporting, or storing ganja, bhang or siddhi, or charas for the supply of the licensed vendors of those drugs.

The Board may also place the cultivation, preparation, and store of such drugs under such supervision as may be deemed necessary to secure the duty leviable thereon.

Recovery of arrears of fee or duty.

36. The Collector may recover any arrear of fee or duty due on account of any license granted under this Act,

or any arrear due from any farmer of excise revenue,

by distress and sale of the moveable property of the person from whom the arrear is due, or of his surety, or by the process described in Bengal Act VII of 1868.

Power of excise officers to enter and inspect licensed dealer's shop.

37. The Collector may, by a warrant under his hand, authorize any excise officer above the rank of a peon to enter and inspect at all times, by day or by night, and may similarly authorize any excise officer to enter and inspect at all times by day, the shop or premises in which any licensed manufacturer or retail vendor carries on the manufacture of spirituous or fermented liquors, or the sale of exciseable articles.

And to arrest persons carrying exciseable articles liable to confiscation.

38. The Collector may, by a warrant under his hand, authorize any excise officer to stop and detain all persons carrying any exciseable articles liable to confiscation under section seventy-five,

and any excise officer so authorized may seize such articles, and arrest the person in possession of the same.

And to arrest unlicensed distillers, &c.

39. Any excise officer above the rank of a peon may arrest any person having in his possession an unlicensed still, or any exciseable article liable to confiscation under section seventy-five, or engaged in the unlawful manufacture or sale of such exciseable articles,

and may seize such still with all such articles, and the materials used in such manufacture.

And to search on information of illicit manufacture or possession.

40. Whenever any excise officer above the rank of a peon has reason to believe, from information given by any person, (which information shall be taken down in writing)

that any exciseable articles are unlawfully manufactured;

or that any exciseable articles liable to confiscation under section seventy-five are kept or concealed in any house, boat, or other place,

such officer may, but always in the presence of an officer of police not being under the grade of a corporal or head constable, enter into any such house, boat, or place;

and in case of resistance may break open any door, and force and remove any other obstacle to such entry;

and may seize and carry away all stills and materials used in such manufacture and all such exciseable articles;

and may also arrest the occupier of the house, boat, or place, with all other persons concerned in the manufacture of such articles, or in the keeping and concealing of the same.

Officers of the Police, Customs, and Revenue Departments may be vested with same powers as excise officers.

41. The local Government may confer on the officers of the Police, Customs, and Revenue Departments, or any of them, the powers given to excise officers by the two last preceding sections with respect to the seizure of and search for exciseable articles and the arrest of persons in possession thereof.

All officers so empowered shall be deemed to be excise officers within the meaning of this Act.

Similar powers to be exercised by police officers in Calcutta.

42. The said powers may, in the town of Calcutta, also be exercised by any police officers specially selected by the Commissioner of Police for such purpose;

and the powers which are conferred upon the Collector by this Act, as regards the issue of warrants directed to excise officers, may also be exercised by the Commissioner of Police for the said town in respect of the issue of warrants directed to police officers selected as aforesaid;

provided that the Collector shall not issue a warrant directed to a police officer, nor shall the Commissioner of Police issue a warrant directed to an excise officer.

Excise or police officer may arrest persons drinking, and seize liquors drunk on the premises of a chemist, &c.

43. Any excise or police officer above the rank of peon or constable, who has a reason to believe that any chemist, druggist, apothecary, or keeper of a dispensary within the town or the suburbs of Calcutta, or in Howrah, allows, between sunset and sunrise, spirituous or fermented liquors, which have not been *bonâ fide* medicated, to be drunk on his business premises by any person not employed in his business,

may enter upon such premises, and seize and carry away such liquors;

and, in case of resistance, break open any door and force and remove any other obstacle to such entry or seizure,

and arrest and detain the owner or occupier of the said premises, with all parties concerned in such unlawful drinking.

Excise officer to report every arrest, seizure or search to his official superior, and to take the person arrested to the Magistrate.

44. Whenever an excise officer makes any arrest, seizure, or search under this Act, he shall, within twenty-four hours thereafter, make a full report of all the particulars of the same to his official superior, and, unless acting under the warrant of the Collector, shall carry the person arrested, or the article seized, with all convenient despatch, to a Magistrate, or, if the arrest, seizure, or search has been made in the town of Calcutta, to a Presidency Magistrate.

Police officer in Calcutta to make report to Commissioner of Police.

45. Whenever any police officer in the town of Calcutta makes any arrest, seizure, or search under this Act, he shall, within twenty-four hours thereafter, make a full report of all the particulars to the Commissioner of Police, and shall carry the person arrested, or the article seized, with all convenient despatch, to a Presidency Magistrate;

and the Commissioner of Police shall at once inform the Collector of the fact of the arrest or seizure, and of the circumstances of the case.

Collector may issue warrant of arrest in certain cases.

46. The Collector may issue his warrant for the arrest of any person whom he may have reason to believe, either from information in writing or from the proceedings in any other case, to be engaged in the unlawful sale of exciseable articles, or to have in his possession any such articles liable to confiscation under section seventy-five.

Collector may issue search-warrant.

47. The Collector may issue his warrant for the search of any house boat, or other place in which he may have reason to believe that exciseable articles are unlawfully manufactured, or that any such articles liable to confiscation under this Act are kept or concealed.

Such warrant may be executed by any officer, not being under the rank of a corporal or head constable, in the manner prescribed in section forty.

Procedure after arrest or seizure.

48. Whenever any person is arrested, or any articles are seized under the warrant of a Collector, the Collector, after such inquiry as he thinks necessary, shall send the person arrested, or the articles seized, to a Magistrate, or, if the arrest or seizure has been made in the town of Calcutta, to a Presidency Magistrate, or shall order the immediate discharge of such person, or the release of such articles.

Procedure in cases other than those of persons sent in custody by a Collector or excise officer.

49. Every such Magistrate shall issue a summons requiring the attendance of the person accused in all cases other than those of persons sent in custody by a Collector or excise officer.

Seizure and disposal of exciseable articles unlawfully sold.

50. Any exciseable articles sold in contravention of the provisions of this Act, or in breach of any of the conditions of a license granted under this Act, may be seized at the time of the sale and brought before every such Magistrate.

As soon as the case is adjudicated, they shall be restored to the person who may have purchased them, or disposed of as the Magistrate may direct.

Search for articles concealed in zenana.

51. Where there is ground to suspect that exciseable articles are unlawfully concealed in any zenana, the officer charged with the execution of a warrant shall, except in the Town of Calcutta, follow the provisions of sections 384, 385, and 386 of the Code of Criminal Procedure, and, in the said town, the provisions of sections 164, 165, and 166 of the Presidency Magistrates' Act.

Police officers to assist excise officers on request.

52. All police officers are required to aid excise officers in the due execution of this Act, upon notice given or request made by such officers.

PART VIII.

PENALTIES.

For unlicensed manufacture or sale of exciseable articles.

53. Whoever manufactures or sells any exciseable article without a license shall be liable to a fine not exceeding five hundred rupees for every such manufacture or sale.

Nothing contained in the first clause of this section or in section eleven applies to the sale by licensed wholesale vendors of such small quantities of beer, wines, or spirits, as may appear to the Collector to be used only as samples;

or to the arrangements under which tárí is supplied to licensed retail vendors, or the sale of tárí, or any preparation of the same, when supplied or used for the manufacture of gúr or molasses;

or to the sale of any imported spirituous or fermented liquors purchased by any person for his private use, and so disposed of upon such person quitting a station or after his decease.

For unlicensed cultivation of plants producing intoxicating drugs, and abetment of the same.

54. Whoever, without a license from the Collector, cultivates plants from which intoxicating drugs are produced, or in any way promotes such illegal cultivation, shall be liable to a fine not exceeding five hundred rupees, and the plant so cultivated shall be liable to seizure and confiscation.

For constructing or working distillery or brewery without license.

55. Whoever constructs or works a distillery after the European method, or a brewery, without a license from the Collector, shall be liable for every such offence to a fine not exceeding one thousand rupees;

and all liquors manufactured at any such distillery or brewery, and all materials and implements collected for the purpose of such manufacture, shall be liable to confiscation.

For contravention of rules prescribed by Board in respect of distillery or brewery.

56. Every proprietor or manager of a licensed distillery constructed and worked after the European method, or of a brewery, who wilfully contravenes any rule made by the Board under section eight, shall be liable for every such offence to a fine not exceeding two hundred rupees.

For illegal removal of spirituous or fermented liquors from European distillery or from a brewery.

57. Whoever removes, or attempts to remove, from any licensed distillery constructed and worked after the European method, or from any brewery, any spirituous or fermented liquors upon which the duty has not been paid, or for the duty on which a bond has not been executed, or any such liquors for which the Collector has not issued a pass, or exceeding the quantity for which a pass has been issued, shall be liable for every such offence to a fine not exceeding one thousand rupees.

For illegal removal of spirituous liquors from native distillery.

58. Whoever removes, or attempts to remove, any spirituous liquors from a distillery established under section nine without a pass, or exceeding the quantity for which a pass has been issued,

or introduces, or attempts to introduce, for sale, any spirituous liquors manufactured at another place into the limits fixed for the consumption of such liquors manufactured at such distillery, without a special pass from the Collector,

shall be liable for every such offence to a fine not exceeding five hundred rupees.

For refusing to produce license on demand of excise officer, or for breach of license.

59. Every manufacturer or vendor under this Act who fails to produce his license on the demand of any excise officer,

or who commits any act in breach of any of the conditions of his license not otherwise provided for in this Act;

or who wilfully contravenes any rule made by the Board under section ten, otherwise than as provided in the last preceding section,

shall be liable for every such offence to a fine not exceeding fifty rupees;

and such fine shall be recoverable from such manufacturer or vendor, notwithstanding that such breach may have been owing to the default or carelessness of the servant or other person employed by him.

On retail vendor for selling wholesale, and on wholesale vendor for selling by retail.

60. Every licensed retail vendor who sells by wholesale, and every licensed wholesale vendor who makes a retail sale, shall be liable for every such offence to a fine not exceeding two hundred rupees.

Nothing contained in the first clause of this section shall be held to prohibit the grant to the same person of both wholesale and retail licenses, subject to the provisions of this Act.

For possessing a greater quantity of any exciseable article than is specified in section 15 without license or pass.

61. Any person, other than a licensed manufacturer or vendor, or a person duly authorized to supply licensed vendors, having in his possession any greater quantity of any exciseable article or any preparation or admixture of the same, than the quantity specified for each article in section fifteen, without a pass from the Collector or other officer duly empowered in that behalf, shall be liable to a fine not exceeding five hundred rupees.

Nothing contained in the first clause of this section or in section seventeen applies to any imported exciseable article purchased by any person for his private use or consumption and not for sale.

Provisions of last section not to apply to the possession of tárí used in making sugar, nor to the possession of intoxicating drugs by licensed cultivators.

62. The provisions of section sixty-one, so far as they relate to the possession of fermented liquors, do not apply to the possession of tárí when supplied or used for the manufacture of gúr or molasses;

and the provisions of the said section, so far as they relate to the possession of intoxicating drugs, do not apply to the possession of such drugs by any person duly authorized under this Act to cultivate the plants which produce these drugs.

Penalty for sale or transfer by cultivators to unlicensed person, or for failure to account for stock of plant in possession.

63. But every such cultivator selling or parting with any such plant, or any preparation thereof, to any person other than a licensed vendor or person duly authorized to purchase the same by pass or license from the Collector, or failing to account for any quantity of such plant, or of any preparation thereof, which has been in his possession, shall be liable to a fine not exceeding five hundred rupees.

For illegal possession of certain spirituous liquors.

64. Any person who is found in possession of any spirituous liquors manufactured at any place in India beyond the limits of British India, without a pass from the Collector certifying the payment of the duty prescribed therefor under section nineteen, shall be liable to a fine not exceeding two hundred rupees.

For conniving at the illicit manufacture or sale of exciseable articles.

65. Every proprietor, farmer, tehsildar, gomastah, or other manager of land, who authorizes or connives at the manufacture or sale of any exciseable articles by any unlicensed person, shall be liable for every such offence to a fine not exceeding five hundred rupees.

On chemist, &c., allowing liquors to be drunk on the premises.

66. Any chemist, druggist, apothecary, or keeper of a dispensary within the town or the suburbs of Calcutta, or in Howrah, who shall, between sunset and sunrise, allow spirituous or fermented liquors which have not been *bonâ fide* medicated to be drunk on his business premises by any person not employed in his business,

and any such person who shall, between sunset and sunrise, drink such liquors on such premises,

shall be liable to a fine not exceeding two hundred rupees, in addition to any other penalty to which he may be liable under this or any other Act.

For permitting drunkenness, &c., in shop.

67. Every licensed vendor who permits drunkenness, riot, or gaming in his shop, or receives any wearing apparel or other effects in barter for any exciseable article, shall be liable for every such offence to a fine not exceeding two hundred rupees.

On police officer for not assisting excise officer.

68. Any police officer who, without lawful excuse, neglects or refuses to assist an excise officer on being required to do so, shall be liable to a fine not exceeding five hundred rupees.

On excise officer for vexatious search or seizure.

69. Any excise officer who, without reasonable ground of suspicion enters or searches, or causes to be entered or searched any house, boat, or other place,

or vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for any exciseable article liable to confiscation under this Act,

or vexatiously and unnecessarily detains, searches, or arrests any person,

shall be liable for every such offence to a fine not exceeding five hundred rupees.

70. Any excise officer who connives at the unlawful manufacture or sale of exciseable articles,

On excise officer for conniving at unlawful manufacture or sale.

and any officer invested with local jurisdiction who authorizes or connives at the establishment of any unlicensed shop for the sale of such articles in any place subject to his control,

shall be liable for every such offence to a fine not exceeding five hundred rupees.

71. Any excise or police officer who neglects to report the particulars of an arrest, seizure, or search within twenty-four hours thereafter,

On excise officer for delay in reporting arrest, &c., or in carrying person arrested to Magistrate or Collector.

or delays carrying to a Magistrate or to the Collector, as the case may be, any person arrested, or any illicit articles seized under this Act,

shall be liable for every such offence to a fine not exceeding two hundred rupees.

72. All fines prescribed for offences against the provisions of this Act, and all seizures of goods liable to confiscation under this Act, shall be adjudged by a Magistrate, and in the town of Calcutta, by a Presidency Magistrate;

Adjudication of fines and seizures.

but no proceedings shall be taken by any such Magistrate after the expiration of six calendar months from the date of the commission of the offence.

All such fines and seizures shall be adjudged on the information of the Collector or any excise officer; but such information shall not be necessary in the case of a complaint preferred under any of the five last preceding sections.

73. The Collector, in respect of the duties to be performed by him under this Act, may punish any contempt committed in his presence in open Court by fine not exceeding two hundred rupees.

Penalty for contempt of Court.

74. Whenever any person is convicted of an offence against the provisions of this Act, punishable with a fine of two hundred rupeees or upwards, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment for a period not exceeding six months;

Punishment on second or subsequent conviction.

and a like punishment of imprisonment, not exceeding six months, shall be incurred, in addition to the punishment which may be inflicted for the first offence, upon every subsequent conviction after the second.

Imprisonment under this Act may be either simple or rigorous, as the Magistrate or Presidency Magistrate may direct.

Confiscation of exciseable articles.

75. Any exciseable article manufactured, or held in possession, in contravention of the provisions of this Act, and all the materials used, or intended to be used, in the manufacture of the same, shall be liable to seizure and confiscation by an officer duly empowered in that behalf.

When any articles liable to confiscation under this Act are seized, the vessels, packages, and coverings in which they are contained, and the animals and conveyances used in carrying them, shall also be liable to seizure and confiscation.

Disposal of confiscated articles.

76. All confiscated articles shall be made over to the Collector for sale or disposal under such rules as the Board may prescribe.

Division of fine among informers, &c.

77. Whenever any fine is levied under this Act from a person convicted of the unlawful manufacture, sale, purchase, or possession of any exciseable article,

or of the unlawful cultivation of plants from which intoxicating drugs are produced,

the Magistrate shall inform the Collector of such levy, and the Collector may, under such rules as the Board may prescribe, direct the amount of such fine to be divided in such proportions as he may think fit, among any persons who were instrumental in the defection of the offence, the seizure of the articles in respect of which the offence was committed, or the capture of the offender;

and may award compensation thereout to any persons subjected to annoyance or injury by any proceedings under this Act.

Board may grant rewards.

78. The Board may, either before or after the adjudication of a case, grant such rewards, not exceeding two hundred rupees, as to them may seem fit;

and may direct the same to be divided, in such proportions as they may think fit, between any persons who were instrumental in the detection of the offence, the seizure of the articles in respect of which the offence was committed, or the capture of the offender.

Disposal of fines.

79. The Board may appropriate any portion, not exceeding one-half of the fines levied under this Act, the disposal of which is not specially provided for, for rewarding informers,

or for compensating persons subjected to annoyance or injury by any proceedings under this Act.

PART IX.

MILITARY CANTONMENTS.

Manufacture and sale of exciseable articles in military cantonments.

80. Within the limits of any military cantonment, and within a distance of two miles, or such other distance as the local Government may in any case prescribe, from such limits, licenses for the manufacture and sale of exciseable articles shall not be granted, nor shall the duties leviable thereon be let in farm, otherwise than with the consent of the Commanding Officer;

and upon the requisition of such officer, any license which has been granted, either by the Collector or by a farmer, within such limits or distance, shall be immediately withdrawn.

Mode of making arrest or search in military cantonments.

81. In all other respects the provisions of this Act shall have effect within such limits and distance as aforesaid;

provided that, when arrest or search is to be made within the limits of any cantonment, the Collector or other officer authorized to make arrest or search shall, whenever it may be practicable, give previous notice to the Commanding Officer, and in all other cases shall report the arrest or search of such Commanding Officer with as little delay as possible.

PART X.

MISCELLANEOUS.

Exemption of liquor from provisions of Act.

82. The local Government may, within any specified district or tract of country, exempt any liquor from the provisions of this Act.

Appeals.

83. An appeal shall lie to the Commissioner against every order of a Collector under this Act, if presented to the Commissioner, or to the Collector for transmission to the Commissioner, within thirty days from the date of the order appealed against.

An appeal shall lie to the Board against every order of a Commissioner under this Act, if presented to the Board within sixty days from the date of the order appealed against;

provided that it shall be discretional with the Board to receive appeals direct from orders passed by a Collector.

Local Government may assign to any Municipality the granting of licenses.

84. Notwithstanding anything contained in this or in any other Act, the local Government may, with the sanction of the Governor-General in Council, assign to the Corporation of the Town of Calcutta, or to any other Municipality, such functions and powers as it shall think fit in respect to the granting, withholding, and withdrawal of licenses for the

sale of exciseable articles (being functions and powers which, but for such assignment, might legally be exercised by any officer of Government), to be exercised by such Corporation or by such Municipality within the limits of their respective jurisdictions under such conditions and subject to such rules as the local Government may impose; and the local Government may at any time withdraw and revoke any functions and powers which it has assigned under this section;

provided that such functions and powers shall not be assigned as aforesaid without the consent of the said Corporation or the Municipality concerned;

provided also that no such conditions or rules shall be imposed by the local Government after such assignment has taken place without the consent of the said Corporation or the Municipality concerned.

Saving of Acts.

85. Nothing contained in this Act shall be held to affect the provisions of Act XXII of 1864 (*an Act to make provision for the Administration of Military Cantonments*) or of the Sea Customs Act, 1878, or of Bengal Acts II and IV of 1866.

SCHEDULE.

(*See section* 3.)

PART I.—ACTS OF THE GOVERNOR-GENERAL IN COUNCIL

Number and year.	Subject.	Extent of repeal.
Act XI of 1849 ...	For securing the abkaree revenue of Calcutta.	So much as has not been repealed.
Act XXI of 1856 ...	To consolidate and amend the abkaree law in Bengal.	So much as has not been repealed.

PART II.—ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

Number and year.	Subject.	Extent of repeal.
Act III of 1873 ...	To amend Act XI of 1849 and Act XXI of 1856.	The whole.
Act I of 1874 ...	To amend Act XXI of 1856 and Bengal Act II of 1866.	So far as it relates to Act XXI of 1856.
Act II of 1876 ...	To amend Act XI of 1849, Act XXI of 1856, and Bengal Act IV of 1866.	So much as has not been repealed, except section 12.

THE HAZARIBAGH AND LOHARDUGGA RURAL POLICE ACT.

CONTENTS.

PREAMBLE.

PART I.

PRELIMINARY.

SECTION.

1.—Short title, extent, and commencement.
2.—Interpretation clause.

PART II.

VILLAGE POLICE.

3.—Number of village police to be determined by Deputy Commissioner.
4.—Joining of two or more villages under one village policeman.
5.—Deputy Commissioner to determine salaries of village policemen.
6.—Certain zemindars and under-tenure-holders liable to pay salaries of village policemen.
7.—Salaries to be raised by assessment, and persons liable to assessment.
8.—Method of assessment.
9.—Nature and amount of assessment.
10.—Alteration of assessment.
11.—Power to confirm, amend, or remit assessment.
12.—Assessment payable monthly or quarterly in advance.
13.—Collection of assessment.
14.—Application by village policeman for payment of his salary.
15.—Application for re-payment of sums paid by zemindar or under-tenure-holder.
16.—Power to distrain for arrears.
17.—Manner of executing distress.
18.—Sale in execution of warrant.
19.—Defaulter disputing liability may apply to Deputy Commissioner.
20.—Distress not to be levied after a year.
21.—Irregularities not to avoid distress.
22.—Duties of village policemen.
23.—Procedure on arrest by village policemen.

PART III.

ROAD PATROLS.

24.—List of zemindars and under-tenure-holders liable for maintenance of road patrols to be prepared.
25.—Copy of entry to be given by each zemindar or under-tenure-holder.

26.—Zemindars and under-tenure-holders entitled to receive rent for land held by road patrol in lieu of, or in addition to, salary.
27.—Payments by whom to be made.
28.—Procedure on default of payment.
29.—Attachment of zemindaree or tenure.
30.—Duties of road patrols.

PART IV.

MISCELLANEOUS

31.—Power to appoint village policeman or road patrol.
32.—Village policeman and road patrol not to withdraw from their duties or resign without permission.
33.—Power to fine village policeman or road patrol.
34.—Suits to be brought within four months of accrual of cause of action.
35.—Local Government may appoint officer to perform functions of Deputy Commissioner.
36.—Service of notices.
37.—Saving of liability of zemindar to report crimes.
THREE SCHEDULES.

ACT No. VIII OF 1878.

(*Received the assent of the Lieutenant-Governor on the 10th of April* 1878, *and of the Governor-General on the 15th of June* 1878.)

An Act for the Regulation of the Rural Police in the Districts of Hazaribagh and Lohardugga.

PART I.

PRELIMINARY.

Preamble.

WHEREAS it is expedient to make provision for the appointment, dismissal, maintenance and duties of village policemen and road patrols in the districts of Hazaribagh and Lohardugga; It is enacted as follows :—

Short title, extent, and commencement.

1. This Act may be called the Hazaribagh and Lohardugga Rural Police Act;

it extends only to the districts of Hazaribagh and Lohardugga;

and it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor-General.

The Act came into force on the 24th of July 1878.—*Calcutta Gazette*, 1878, Part III, p. 51.

Interpretation clause

2. In this Act, unless there be something repugnant in the subject or context—

"Deputy Commissioner."

"Deputy Commissioner" includes the Deputy Commissioner of the district, and any officer appointed by the local Government to perform the functions of a Deputy Commissioner under this Act.

"Headman."

"Headman" means the person entrusted with collecting the village rents, by whatever designation he may be called.

"Road Patrol."

"Road Patrol" includes ghatwals, digwars, and all other persons, by whatever name they may be called, who are engaged in the performance of the duties assigned by this Act to road patrols.

"Under-tenure."

"Under-tenure" includes also jaghir, khur-o-posh, mukarrari, and thika.

"Village."

"Village" includes a group of villages.

"Village policeman."

"Village policeman" includes chowkeedars, goraits, and kotwars.

"Zemindar."

"Zemindar" means the person whose name is registered in the general register of lands paying revenue directly to Government as the proprietor of an estate so paying revenue, or the person whose name is registered in the general register of revenue-free lands as proprietor of a revenue-free tenure.

PART II.

Village Police.

Number of village police to be determined by Deputy Commissioner.

3. The Deputy Commissioner shall determine the number of village policemen to be appointed for each village within his district: provided that there shall be at least two village policemen appointed for every village in which there are one hundred and fifty houses, and one additional village policeman for every complete number of one hundred houses beyond such number of one hundred and fifty.

Joining of two or more villages under one village policeman.

4. Where there are fewer than seventy-five houses in a village, and some house in such village is situated within one mile of some house in another village, the Deputy Commissioner may join such villages together and appoint one village policeman for two or more villages: provided that where two or more villages are joined together, one village policeman shall not have charge of more than one hundred and twenty-five houses.

5. The Deputy Commissioner shall from time to time determine the monthly salaries of the village policemen;

Deputy Commissioner to determine salaries of village policemen.

provided that such salaries shall not be less than two. nor more than three rupees per mensem for each village policeman;

provided also that in determining such salaries the Deputy Commissioner shall take into consideration the value of the chakran lands (if any) held by a village policeman.

6. Wherever any zemindar or under-tenure-holder holds subject to the condition, expressed or implied, of maintaining the village police within his zemindaree or under-tenure, he shall be liable to pay the amount determined by the Deputy Commissioner under the last preceding section.

Certain zemindars and under-tenure-holders liable to pay salaries of village policemen.

7. In cases other than those referred to in the last preceding section, the amount required for the salaries of the village policemen, together with a sum, not exceeding fifteen per cent. of such amount, to provide for payment of the expenses of collection and losses from the non-realization of sums from defaulters, shall be assessed on each village;

Salaries to be raised by assessment, and persons liable to assessment.

and all owners or occupiers of houses in any village, and every zemindar or under-tenure-holder who has a bhandar or cutcherry for the collection of rent within the village, shall be liable to assessment for the purposes of this Act.

8. The amount payable by each village shall be fixed by the Deputy Commissioner, and thereupon the headman of such village shall prepare a list showing the amount payable monthly by each person liable to assessment in such village.

Method of assessment.

Such list, when sanctioned by the Deputy Commissioner, shall be published at some conspicuous place within the village, and shall remain in force until altered by the Deputy Commissioner;

provided that if the headman neglects to prepare the list within three months from the fixing by the Deputy Commissioner of the amount payable by the village, the Deputy Commissioner may cause such list to be prepared by such means as shall seem to him proper.

9. The amount at which each person is assessed under the last preceding section shall be fixed according to the circumstances and the property to be protected of such person;

Nature and amount of assessment.

provided that the amount to be assessed on any one person shall not exceed one rupee per mensem in the case of a zemindar, under-tenure-holder, or trader, nor eight annas per mensem in the case of an ordinary ryot;

provided also that all persons who, in the opinion of the Deputy Commissioner, are too poor to pay half an anna per mensem, shall be exempted from assessment.

Alteration of assessment.

10. The Deputy Commissioner may from time to time alter the amount assessed on any village.

Notice of such alteration shall be given to the headman of the village before the month of Magh in the year preceding in which the alteration is to take effect.

When any such alteration is made, the headman shall prepare and submit revised lists of the sums payable by each person.

Power to confirm, amend, or remit assessment.

11. Any person dissatisfied with the amount at which he has been assessed by the headman of his village may apply to the Deputy Commissioner, either orally or in writing, for a revision of the assessment, and the Deputy Commissioner may confirm, amend, or remit the assessment.

Assessment payable monthly or quarterly in advance.

12. Every sum due under section six of this Act, and every assessment under section seven of this Act, shall be paid by equal monthly or quarterly instalments, as may appear most convenient to the Deputy Commissioner; and the instalments on account of each month or quarter shall be due on the first day of such month or quarter.

Collection of assessment.

13. The headman of each village shall collect the assessment payable by each of the persons in such village, and shall grant receipts for the same, and shall pay thereout the salaries, month by month, of the village policemen.

The Deputy Commissioner may permit the headman to retain a sum, not exceeding six per cent. of the amount collected by him, for repayment of the costs of such collection.

Application by village policeman for payment of his salary.

14. Whenever the salary due for any month is not paid in full to any village policeman on or before the fifteenth day of the next succeeding month, such village policeman may apply to the Deputy Commissioner, who shall thereupon issue a notice calling on the holder of the village, whether he be a zemindar or an under-tenure-holder, to pay the said salary within fifteen days from the service of the notice, and, in default, may attach his zeminda-

ree or under-tenure, and retain possession of the same until the amount due has been recovered out of the income derivable therefrom.

Application for repayment of sums paid by zemindar or under-tenure holder.

15. When any zemindar or under-tenure-holder, other than those referred to in section seven of this Act, has paid any arrears of salary due to any village policeman under the last preceding section, he may apply to the Deputy Commissioner for the attachment and sale of the moveable property of any person in the village who has failed to pay the amount assessed on him.

Power to distrain for arrears.

16. The Deputy Commissioner shall thereupon issue a writing in the form in Schedule A hereto annexed, signed by him, authorizing the headman of the village, or such other person as may be therein named, to levy, by the distraint and sale of a sufficient portion of the moveable property of such defaulters, the amount of their respective arrears, together with sums equal to a proportionate share of the cost of the distraint and sale.

Manner of executing distress.

17. The person so authorized shall seize and keep in his own custody such portion of the moveable property of such defaulters as he shall deem sufficient, and shall make an inventory of all moveable property so seized, and shall at the same time give notice by beat of drum of the time and place where it shall be sold.

The time of sale shall not be less than five nor more than ten days from the time of the proclamation thereof.

Sale in execution of warrant.

18. If any defaulter does not, within the time specified in such notice, pay the amount payable by him, with his share of the costs, the moveable property distrained, or such portion of it as may be necessary, shall be sold by public outcry at the time and place specified, and the proceeds shall be applied in discharge of the amount so payable and the costs, and the surplus, if any, shall be returned to the owner of the distrained property.

The amount realized by the Deputy Commissioner under this section and the two last preceding sections, other than the costs, shall be paid to the zemindar or under-tenure-holder referred to in section fifteen of this Act.

Defaulter disputing liability may apply to Deputy Commissioner

19. Whenever any person whose name has been included in any list of defaulters disputes his liability to pay the amount mentioned in such list, or any portion thereof, he may apply to the Deputy Commissioner either orally or in writing, stating the grounds of his objection, and the Deputy Commissioner

shall examine his objection and pass such order thereon as to him shall seem proper.

Distress not to be levied after a year.

20. No arrears of any assessment payable under this Act shall be levied by distress after the expiration of one year from the day on which the same shall have become due.

Irregularities not to avoid distress.

21. No distress levied under this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any list, assessment, notice, summons, power, writing, inventory, or other proceeding relating thereto, nor shall such party be deemed a trespasser from the commencement on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularities may recover full satisfaction for any special damage sustained by them in any court of competent jurisdiction, subject to the provisions of section thirty-four of this Act.

Duties of village policeman.

22. Every village policeman appointed under this Act shall perform the following duties :—

1*st.*—He shall give immediate information to the officer in charge of the police-station within the limits of which the village of which he is village policeman is situated of every unnatural, suspicious, or sudden death which may occur, and of every offence specified in Schedule B hereto annexed which may be committed within such village, and he shall further keep the police informed of all disputes which are likely to lead to any riot or serious affray.

2*nd.*—He shall arrest all proclaimed offenders, and all persons whom he may find in the act of committing any offence specified in Schedule B hereto annexed.

3*rd.*—He shall observe, and from time to time report to the officer in charge of the police-station within the jurisdiction of which such village may be situated, the movements of all bad characters in such village.

4*th.*—He shall report to the officer in charge of such police-station the arrival of suspicious characters in the neighbourhood.

5*th.*—He shall present himself at such police-station twice in each week if it be within two miles of such village, and if it be more remote, once in each week or once in each fortnight, as the Deputy Commissioner may direct.

6*th.*—He shall supply any local information which the Deputy Commissioner or any officer of police may require.

7th—He shall obey the orders of the Deputy Commissioner in regard to keeping watch in the village and other matters connected with his duties as village policeman.

Procedure on arrest by village policeman.

23. Whenever a village policeman arrests any person, he shall forthwith take the person so arrested to the police-station within the jurisdiction of which the village of which he is village policeman is situated: provided that if the arrest is made at night, such person shall be so taken as soon as convenient on the following morning.

PART III.

Road Patrols.

List of zemindars and under-tenure-holders liable for maintenance of road patrols to be prepared.

24. As soon as may be after the commencement of this Act, the Deputy Commissioner shall prepare a list showing what zemindars or under-tenure-holders within his district hold their tenures subject to a condition, expressed or implied, of protecting lines of roads or passes, and shall fix the number of road patrols to be kept up for such roads or passes, and the salary to be paid monthly to each road patrol: provided that such salary shall in no case be less than three nor more than five rupees per mensem.

Copy of entry to be given to each zemindar or under-tenure-holder.

25. A copy of the entry in such list affecting him shall be given to each such zemindar or under-tenure-holder.

If any zemindar or under-tenure-holder is dissatisfied with such entry, he may appeal, within thirty days of the receipt of the copy of the entry, to the Commissioner, who shall pass such order as to him seems proper.

Zemindars and under-tenure-holders entitled to receive rent for land held by road patrol in lieu of, or in addition to, his salary.

26. When any land is held under any zemindar or under-tenure-holder by any road patrol in lieu of, or in addition to, his salary for the protection of any road or pass, the zemindar or under-tenure-holder, who is responsible for the protection of such road or pass, shall, if assessed under section twenty-four of this Act, be entitled to receive rent for such land at the same rate as is paid for similar ryotwaree land in the vicinity.

An order under the hand of the Deputy Commissioner in the form in Schedule C hereto annexed shall be furnished to such zemindar or under-tenure-holder.

Payments to whom to be made.

27. All zemindars and under-tenure-holders specified in the list mentioned in section twenty-four of this Act shall pay the amount entered therein against their names to

the District Superintendent of Police monthly, who shall pay the same to the road patrols to whom it may be due.

Procedure on default of payment.

28. If the amount due from any zemindar or under-tenure-holder for any month is unpaid after the fifteenth day of the next succeeding month, the Deputy Commissioner shall issue a notice calling on the defaulting zemindar or under-tenure-holder to pay the same, together with the costs of serving the notice, within fifteen days from the service of the notice.

Attachment of zemindaree or tenure.

29. If the amount specified in the notice is not paid within fifteen days, the Deputy Commissioner may attach the holding of such zemindar or under-tenure-holder, and retain possession of the same until such amount has been recovered out of the income derivable therefrom.

Duties of road patrols.

30. Every road patrol appointed under this Act shall perform the following duties :—

1*st.*—He shall patrol the roads within his beat under instructions from the District Superintendent of Police, and shall protect all travellers passing along his beat.

2*nd.*—He shall arrest all proclaimed offenders, and all persons whom he may find in the act of committing any offence specified in Schedule B hereto annexed.

3*rd.*—He shall report to the officer in charge of the police-station within the jurisdiction of which his beat is situated, the movements of all bad or suspicious characters along his beat, as well as all unusual circumstances that come to his notice.

4*th.*—He shall supply any local information which the Deputy Commissioner or any officer of police may require.

PART IV.

MISCELLANEOUS.

Power to appoint and dismiss village policeman or road patrol.

31. Subject to the approval of the Deputy Commissioner, the District Superintendent of Police may appoint, and for any misconduct or neglect of duty may dismiss, any village policeman or road patrol.

Village policeman and road patrol not to withdraw from their duties or resign without permission.

32. No village policeman or road patrol shall withdraw himself from the duties of his office without the express permission of the District Superintendent of Police, or of some other officer duly authorized to grant such permission ;

and no village policeman or road patrol shall resign his office without the permission of the said District Superintendent, unless he has given to

his superior officer, at least two months previously, a written notice of his intention to resign.

Power to fine village policeman or road patrol.

33. Every village policeman or road patrol who is guilty of any wilful misconduct in his office or neglect of his duty, such misconduct or neglect not being an offence within the meaning of the Indian Penal Code, and not being of so grave a character as in the opinion of the District Superintendent of Police to require his dismissal from his office, shall be liable, under the order of the District Superintendent, to a fine not exceeding one month's salary.

Suits to be brought within four months of accrual of cause of action.

34. Every suit brought against the Deputy Commissioner, or any of his officers, or against any person acting under his direction, for anything done, or purporting to be done, by them under this Act, shall be commenced within four months next after the accrual of the cause of action, and not afterwards.

Local Government may appoint officer to perform functions of Deputy Commissioner.

35. The local Government may, if it thinks fit, appoint any officer to perform the functions of a Deputy Commissioner under this Act.

Service of notices.

36. Every notice under this Act shall be served either personally on the person to whom the notice is directed, or by affixing a true copy thereof on some conspicuous part of his dwelling-house or principal cutcherry within the district.

Saving of liability of zemindar to report crimes.

37. Nothing contained in this Act shall diminish or in any way affect any liability, duty, or obligation of any zemindar or other land-holder under any law for the time being in force to report crimes or offences occurring within his estate or tenure.

SCHEDULE A.

(*See section* 16.)

Form of Distraining Warrant.

Act of 1878.

On behalf of of . Whereas the several persons named in the list at foot hereof have made default in payment of the sums in the said Act set opposite to their respective names, you are hereby authorized and required to levy, by distress and sale of a sufficient portion of the moveable property of the said defaulters, the said several sums set opposite to their respective names, together with additional sums by way of costs as set forth.

(Sd.)

Deputy Commissioner.

Name and description.	Amount.	When due.	Costs.	Total.

SCHEDULE B.

(*See sections* 22 *and* 30.)

Offences to be reported, and for which village policeman or road patrol may arrest.

Murder, culpable homicide, rape, dacoity, robbery, theft, mischief by fire, house-breaking, counterfeiting coin, causing grievous hurt, riot, and all attempts and preparations to commit, and abetments of, the said offences.

SCHEDULE C.

(*See section* 26.)

Form of Transferring Order.

District of

I , Deputy Commissioner of , do by this order under my hand, made in pursuance of Act of 1878 of the Lieutenant-Governor of Bengal in Council, declare that zemindar (or under-tenure-holder as the case may be) of is entitled to receive rent, at the same rate as is paid for similar ryotwaree land in the vicinity, for the lands specified below and lately held by in consideration of his performing the duties of a road patrol.

Specification of lands.

Village
Pergunnah
Boundaries
Area

(Sd.)

Deputy Commissioner.

day of 187

ACT No. VII OF 1866.

(*Received the assent of the Lieutenant-Governor on the* 14*th April* 1866, *and of the Governor-General on the* 30*th idem.*)

An Act to make better provision for the acquisition of land for embankments, and other matters relating thereto.

Preamble.

WHEREAS it is expedient to make better provision for the acquisition of land required for embankments, and for charging the expense thereof upon the owners of lands benefited thereby; Be it enacted;—

Lands for embankments may be acquired under powers for acquiring land for public purposes.

1. When it shall be necessary for any Collector to acquire land for the purpose of constructing any public embankment, or of extending or altering any embankment, the superintendence or charge whereof is vested in an officer of Government, the provisions of †the Land Acquisition Act, 1870, and of any other Act for the time being in force relating to the acquisition of land for public purposes, shall extend and apply to the acquisition of such land, for the purpose aforesaid, so far as the same shall be applicable, and such Collector shall and may take and acquire such land, and assess compensation for the same, and do all other acts necessary for the acquisition thereof, by and under the powers and provisions of such Act or Acts so far as the same is or are applicable in that behalf; but no such declarations or orders by or on behalf of Government as are mentioned in †sections 6 and 7 of the said Land Acquisition Act 1870, shall be necessary or required.

Compensation.

Any person to whom compensation has been awarded in respect of lands taken, shall be entitled to receive the same together with interest after the rate of six per centum per annum for the time when the land was taken: provided that notwithstanding anything contained in section 1 clause 1, of Act XXXII of 1855 passed by the Governor-General of India in Council, entitled "An Act relating to Embankments," it shall not be obligatory upon the Collector to pay to any person, nor shall any person have a right to a civil suit for the recovery of any money in respect of compensation for lands taken, where the same is payable as hereinafter provided by the persons whose lands are

* This Act, which was by an oversight not inserted in its proper place, is still in force in Orissa and the Sunderbuns. *See* Bengal Act VI of 1873, section 2.

† Act No. X of 1870, section 2, para. 2.

benefited, until and unless the Collector shall have received the same from such person.

Cost of land acquired for embankment where lands of different owners benefited.

2. In cases where lands the property of different owners will, in the opinion of the Collector, derive benefit from the construction, alteration, or extension of any public embankment, and it is necessary to acquire land for the purpose of such construction, alteration, or extension, it shall be lawful for such Collector to charge the cost of such land and the expense attending its acquisition upon the persons so deriving such benefit, in such proportions as in his opinion shall be equivalent to the benefit derived by their lands respectively.

Collector to serve notice before assessing contribution.

Before assessing such contribution, the Collector shall cause a notice to be served on each of such persons in which it shall be stated what land is being taken, and the purpose for which it is required, and that the lands of such person will derive benefit from the execution of the works, and giving him notice that an inquiry will be held, at a day and place to be named, for the purpose of apportioning amongst the persons whose lands will be benefited by the intended works, the cost of the land and the expense of acquiring it. In case such person does not reside within the district in which his lands are situate, the notice may be served upon his agent, or if he has no agent therein, it will be sufficient to affix the notice upon some conspicuous part of his estate.

Mode of inquiry as to the proportion chargeable to each estate

3. On the day fixed in the notice, which shall not be less than one month later than the date of service of such notice, the Collector shall proceed to make the necessary inquiry for the determination of the proportion in which the estates affected by the construction, extension, or alteration of the embankment will be benefited thereby. In making this inquiry he shall receive such evidence as may be tendered by or on behalf of the owners of estates which may appear likely to be benefited by the construction, extension, or alteration of the embankment as aforesaid, and by and on behalf of any other persons who may claim to be interested in the said inquiry, and he may make or cause to be made such local investigation, and call for such documents, and examine such witnesses, as he may think necessary; and all the provisions of the law for the time being in force in regard to the examination of witnesses and production of documents in judicial proceedings, shall be applicable to inquiries conducted by the Collector under this Act.

Collector to make award.

4. The Collector shall and may after such inquiry make an award, in which he shall find and state the names of the persons whose lands will be or are benefited by the

construction, alteration, or extension of such embankment, and the proportion of the cost of the land and the expense of its acquisition (including therein the cost of the said inquiry) which they ought respectively to bear.

Award to be final, but owner may recover amount assessed in excess of fair proportion.

No appeal shall lie from the award of the Collector; but it shall be competent to the owner of any land assessed to a larger amount than his fair proportion, to recover such excess in the Civil Court, from the owner of any land or estate benefited thereby upon whom no assessment has been made or a smaller amount has been assessed than ought to have been awarded against him; provided that in such suit no more shall be recovered from any person than the amount to which he ought to have been assessed where he has not been required to contribute, or the amount by which the sum he was required to pay was less than his fair proportion where he has been required to contribute.

Expenses of acquiring land, what included in.

5. There shall be included in the expense of acquiring the lands so to be distributed amongst the persons benefited, not only the compensation awarded to the owner of the land taken, including interest at the rate of six per centum per annum from the time when the land was taken, but also the cost of surveys and plans, of notices, of the said inquiry and award, and all other costs, charges, and expenses incident to obtaining possession of such land. The amount so awarded shall and may be recovered from the person so required to pay the same, in the same way and by the same means as arrears of Government revenue.

Expense of sluice may be apportioned where lands of different owners benefited.

6. When application has been made to the Collector under section 8 of the said Act XXXII of 1855, for the construction of a sluice in any public embankment, and in the opinion of the Collector lands the property of other persons as well as of the person making the application will be benefited by the construction of the sluice, the expense of such construction may be assessed upon and recovered from such persons in such shares or proportions as shall, in the opinion of the Collector, be equivalent to the benefit derived by their lands respectively;

Notice of apportionment.

provided, nevertheless, that notice in writing shall be served on all such persons, stating that it is proposed to make such sluice, the probable expense thereof, and that an inquiry will be held at a place and hour specified, for the purpose of apportioning the expense of such construction among the persons to be benefited thereby, and that such person is supposed to be likely to be benefited thereby. And

such notice may be served, and such inquiry shall be held, and such award shall be made, subject to the same rules, powers, and provisoes in all respects as is hereinbefore provided in the case of the apportionment of the cost of land required for embankments.

Award to be final, but suit may be brought to recover amount charged in excess.

And the said award shall be final; but a civil suit may be brought to recover any excess with which any such person may be charged, from persons who ought to have been charged but have not been charged with any portion of the expense, or against whom less has been awarded than their fair proportion, as hereinbefore provided with respect to the apportionment of the cost of land.

Disposal by sale of lands no longer required for embankments.

7. Whenever in consequence of the construction or alteration of any public embankment, the maintenance of any other public embankment, or the retention of any land appropriated to the purposes thereof, may no longer be required, and the permanent relinquishment of the same may be deemed expedient by the officer in charge of the embankments, it shall be lawful for the Collector to dispose of the site of the embankment, or of the land so abandoned, by public sale; and all the provisions of the law for the time being in force in regard to sales of land in default of payment of the Government revenue, shall be applicable so far as the same may be reasonably applied, to sales under the provisions of this section.

Application of proceeds of sale.

The proceeds of such sales shall, after the payment of all expenses incurred on account of the same, be applied to the payment of the cost of the new land taken up for embankment purposes, and in such case the residue only of the cost of such new land shall be apportioned among the owners of lands benefited as hereinbefore provided;

provided that it shall not be competent to the Collector to sell in the manner aforesaid any land which shall not have been taken up for embankment purposes under the provisions of this Act.

Collector may delegate any of his powers to a Deputy Collector.

8. A Collector may delegate any of his powers under this Act to a Deputy Collector, but from any order passed by a Deputy Collector to whom powers have been so delegated, an appeal shall lie to the Collector, if presented within fifteen days of the date of the order.

Act does not apply where obligation to provide land exists.

9. Nothing in this Act shall be held to exempt any person from the obligation of giving land gratuitously, or of paying for land taken up for the purpose of public embankments, where such obligation exists by any law or custom.

10. The following words and expressions shall have the several meanings hereby assigned to them, unless where a contrary intention appears from the context :—

Interpretation.

Number.

Words in the singular number shall include the plural, and words in the plural shall include the singular.

Gender.

Words importing the masculine gender shall include females.

"Collector."

The word "Collector" shall include any officer exercising by authority of Government, the duties of a Collector of land revenue by whatever name his office may be designated.

"Owner."

The word "Owner" shall include zemindars, holders of putnee tenures or of any rent-free tenure, dependant talookdars, Sunderbun grantees, and farmers or holders of tenures paying revenue direct to Government.

INDEX.

ABATEMENT OF RENT—
on interruption of water-supply, s 28, III of 1876 .. 523
grounds for claim of, by ryot, s 19, VIII of 1869 .. 184
limitation of suit for, s 27, VIII of 1869 ... ... 186, 187

ABKAREE, see EXCISE

ABSENCE, see LEAVE OF ABSENCE.

ACCIDENT—
emigrants may be disembarked in case of, s 71, VII of 1873 447
to passenger-boat, attended with loss of life, must be reported at Police Office under penalty, s. 65, IV of 1866 105
keeper of Poorce Lodging house to report, s. 13, IV of 1871 . 292
to canal or flood-embankment, powers of Canal Officer, s 35, III of 1876 525

ACCOUNT-CURRENT—
manager and guardian under Court of Wards to deliver monthly, ss. 48, 62, IV of 1870 ... 225, 228

ACCOUNTS—
limitation of suit for delivery of, s. 30, VIII of 1869 . . 187
Collector to take possession of, when estate becomes subject to the Court of Wards, s. 16, IV of 1870 ... 218
penalty on manager or guardian under Court of Wards refusing to deliver, s 44, IV of 1870 .. 224
of wards' estate, when to be rendered to Collector in charge of ward, s 53, IV of 1870 ... 226
when Board of Revenue may order accounts of wards' estate to be submitted to Collector of the district, or Collector in charge of ward, or manager or sub manager, s. 53, IV of 1870 . . . 226, 227
Collector when to submit the same accounts as manager of a wards' estate, s 76, IV of 1870 231
of Port Commissioners, audit and examination of, s. 53, V of 1870 ... 252
of expenditure for Howrah bridge, s. 11, IX of 1871 ... 316
of road cess committees, ss 87, 88, X of 1871 ... 347
of expenses under Embankment Act, s 38, VI of 1873 393
of Calcutta Corporation, audit of, s. 59, IV of 1876 565
of Mofussil municipalities, s 63, V of 1876 .. . 670
of Mofussil municipalities, audit of, s 73, V of 1876 672
of public works cess, s. 8, I of 1878 ... 848

ACCOUTREMENTS—
of Police Officer, ss 3, 9, II of 1866, *and* ss. 9, 15, IV of 1866 69, 71, 93, 95

ACQUIRED DEFECT OR INFIRMITY—
proceedings of Court of Wards when proprietor deemed disqualified on ground of, ss. 27, 28, IV of 1870 220, 221

ACT—
XX of 1836, repealed, s 2, VIII of 1876 .. ... 799, 845
XXII of 1836, repealed, Schedule V of 1864 . . . 34
XI of 1838, repealed, s 2, VIII of 1876 ... ... 799, 845
XIX of 1841, order of Collector under s. 55 of Land Registration Act to have force of order of Judge under s 4 of, s 57, VII of 1876 783
Judge of Court under Land Registration Act may exercise powers mentioned in ss 5 to 13 of, s. 60, VII of 1876 784
I of 1846, rate of fees chargeable under section 7 of, s 14, VI of 1862 ... 14
IX of 1847, survey for purposes of, not to be made until after ten years, s. 3, IV of 1875 ... 483
XI of 1849, repealed, s 3, VII of 1878 ... .. 873, 891
XII of 1850, manager and guardian under Court of Wards' Act deemed to be public accountant under, s. 42, IV of 1870 ... 223, 224
XVIII of 1850, Mofussil municipal authorities, when deemed to be persons bound to execute orders of a Magistrate within the meaning of, s 220, V of 1876 .. 706
X of 1853, repealed, Schedule V of 1864 34
XXVI of 1854, partial repeal of, s. 86, IV of 1870 ... 233
XXII of 1855, partial repeal of section 23, s 2, III of 1872 369
XXXII of 1855, partial repeal of, s. 2, VI of 1873 ... 382
XXI of 1856, repealed, s. 3, VII of 1878 . . . 873, 891
XXI of 1857, definition of Howrah and Suburbs of Calcutta in Bengal Act II of 1863 s. ... 22

ACT—(*contd.*)
definition of Howrah and Suburbs of Calcutta in Bengal Acts VI of 1864 and IV of 1865 ... ...35, 55
partial repeal of, s. 51, II of 1866 ... 85
XXXIV of 1858, powers of Court of Wards, when proprietor found lunatic under, s 25, IV of 1870 ... 220
XL of 1858, procedure when Collector acts by order under section 14, s 3, IV of 1870 214
partial repeal of s. 25, s. 86, IV of 1870 233
XXXV of 1858, application to Civil Court under, in case of proprietors disqualified by lunacy, s. 24, IV of 1870 220
not affected by Court of Wards' Act, s. 63, IV of 1870 228
powers of Court of Wards, when proprietor found lunatic under, s. 26, IV of 1870 220
ss. 4, 7, and 22 to apply to enquiry as to proprietor reported to be disqualified by reason of some natural or acquired defect or infirmity, s. 28, IV of 1870 221
X of 1859, repeal of ss. 26, 40, 74, 79, 86, 150, and 162, s. 1, VI of 1862... 9
s. 67 to apply to measurement proceedings of Collector, s. 10, VI of 1862 13
order of Collector under s. 58 final, s. 13, VI of 1862 14
s. 71 repealed in part, s. 14, VI of 1862 14
procedure in case of arrest under s. 145, s. 18, VI of 1862 15
Bengal Act VI of 1862 to be read with, s. 21, VI of 1862 .. 16
suit for zemindary dak charges not cognizable under 20
orders of Deputy Collector made on appeals from judgments under, declared valid, s. 3, IV of 1867 . 144
local repeal of, s. 107, VIII of 1869 207, 209
suits of the nature of those specified in s. 23 to be transferred to Collector, s. 11, VI of 1876 753
Collector to follow procedure of, in suits under Agrarian Disputes Act, s. 13, VI of 1876 754
order of Collector under Agrarian Disputes Act to be enforced in the same way as decree under, s. 21, VI of 1876 757
provisions of s. 154 to apply to all suits under Agrarian Disputes Act in which the Collector's judgment is final, s. 26, VI of 1876 ... 758
ss. 157 to 159 to apply to certain appeals under Agrarian Disputes Act, s. 28, VI of 1876 758
proviso added to s. 14 of, s. 3, III of 1878 863
notice to attend and sign *jummabundi* deemed to be notice within meaning of s. 14 of, s. 4, III of 1878 ... 863
XI of 1859, application for registry of tenures and farms under, s. 2 of 1862 1
fees to be demanded from applicants for registry under, s. 3, III of 1862 1
Bengal Act III of 1862 to be read as part of, s. 4, III of 1862 ... 2
appeal against and annulment of sales under, s. 2, VII of 1868 ... 157
loss on resale of estates under s. 23, deemed to be a demand, s. 1, VII of 1868 156
amendment of ss. 6 and 27 of, ss. 3, 4, VII of 1868 157
service of notices under, s 5, VII of 1868 157
certificate of title under s. 28, to be conclusive evidence that notice has been duly served, s. 8, VII of 1868 158
sale of tenure for arrears of revenue to be conducted as sale of estate under, s. 11, VII of 1868 159
after revenue sale under, certificate to be made of unliquidated arrears, s 15, VII of 1868 160
notice of sale under s. 6, for realization of arrears under Village Chowkeedaree Act, s. 55, VI of 1870 ... 281
opening and closing of separate accounts under, how affected by Land Registration Act, ss. 69, 73, VII of 1876 ... ... 786, 787, 788
ss. 10 to 14, not affected by s. 15 of Partition Act, s. 16, VIII of 1876... 805
Collector to register rent-free tenure created under Partition Act in the manner provided by s. 42 of, s. 96, VIII of 1876 827
XV of 1860, repealed, Schedule V of 1864 34
V of 1861, s. 2, repealed as to Bengal, s. 1, VII of 1869 174
powers conferred by, on Inspector-General of Police to vest in Inspector-General appointed by Lieutenant-Governor, s. 3, VII of 1869 ... 174
Bengal Act VII of 1869 to be read with, s. 6, VII of 1869 ... 175
municipal police to be appointed under, s. 164, V of 1876 694
VI of 1862, orders made by Deputy Collector on appeal from judgments passed under, declared valid, s. 3, IV of 1867 144
XXII of 1864, not affected by Excise Act, s. 85, VII of 1878 ... 891
XIV of 1866, zemindary dak rules to be compatible with, s. 12, VIII of 1862 20
X of 1870, acquisition of land under, for Hooghly and Burdwan drainage, s. 16, V of 1871 305
acquisition of land under, for embankments, ss. 25, 29, VI of 1873 ... 389, 390
land for navigable channels to be acquired under, s. 3, V of 1864 ... 30
land for Hooghly and Burdwan drainage scheme to be acquired under, s. 16, V of 1871 304
XII of 1875, provisions of s. 66 extended to penalties imposed under Bengal Act V of 1862 6
XVIII of 1877, s. 9, of Salt Act modified by, s. 9, VII of 1864 ... 43
VIII of 1878, salt warehoused under, s. 15, VII of 1864 44

ACTION, see SUIT.
cause of, see CAUSE OF ACTION.

ADDITIONAL POLICE OFFICERS—
appointment and discontinuance of, s. 15, II of 1866, *and* s. 21, IV of 1866 ... ...78, 96

ADMINISTRATION—
of moveable property of intestate by Commissioner of Police, ss. 100, 101, IV of 1866... 112

ADOPTION—
by ward not to be valid without consent of Lieutenant-Governor, s. 74, IV of 1870... 231

ADVANCE—
from public funds for Hooghly and Burdwan drainage scheme, s. 17, V of 1871 ... ... 304, 305

ADVERTISEMENT—
of audit of Port Commissioners' accounts, s. 53, V of 1870 . 252
of special or special general meeting of Calcutta Corporation, s. 46, IV of 1876 561
of audit of accounts of Calcutta Corporation, s. 63, IV of 1876 .. 565
of valuation of houses and land in Calcutta, s. 112, IV of 1876 ... 577

AFFIDAVIT—
general definition of, in Bengal Acts, s. 1, V of 1867 145

AGENT—
fee of, in rent suits, s. 14, VI of 1862 14
of proprietor to give notice of unlicensed salt work, s. 8, VII of 1864 ... 43
naib and gomastah when to be deemed, in rent suits, s. 32, VIII of 1869 ... 188
limitation of suits against, for delivery of accounts or papers, s. 30, VIII of 1869 187
when may exercise power of distraint, s. 70, VIII of 1869 190
local, of proprietor may be appointed member of punchayet, s. 7, VI of 1878 273
included in definition of "owner" under Calcutta Municipal Act, s. 3, IV of 1876 545
liability of, under Calcutta Municipal Act, s. 3, IV of 1876 547
liability of, in Bengal Municipal Act, s. 6, V of 1876 655
application for partition may be made by, s. 17, VIII of 1876 ... 806
may draw lots under Partition Act, s. 99, VIII of 1876 829
payment of trades' license tax by, s. 26, I of 1878 856

AGRARIAN DISPUTES—
Lieutenant-Governor, on application of person interested in dispute may declare Agrarian Disputes' Act in force, s. 3, VI of 1876 ... 752
Lieutenant-Governor may vest officer with powers of a Deputy Collector, s. 4, VI of 1876 752
Lieutenant-Governor to specify matters for inquiry, s. 5, VI of 1876.... 752
Collector to publish notification calling on parties to appear, s. 6, VI of 1876 752
Collector's power to obtain evidence, s 7, VI of 1876 753
Collector to draw up report and to allow persons to take copies of it, s. 8, VI of 1876 753
Collector to forward report to the Commissioner, s. 9, VI of 1876 .. 753
Commissioner to submit report, with his own opinion to the Board, s. 9, VI of 1876 753
Board of Revenue to issue instructions and Collector to make an order in accordance therewith, s. 10, VI of 1876 753
rent suits to be transferred to Collector, s. 11, VI of 1876 ... 753
Collector to send copy of notice to Courts, s. 12, VI of 1876 ... 754
procedure to be followed by Collector in the disposal of suits, s. 13, VI of 1876 754
Collector may refer suit to arbitration, s. 14, VI of 1876 754
rules for guidance of Collector in determining rates of rent, s. 15, VI of 1876 ... ... 754, 755
suits may be brought by or against any number of ryots collectively, s. 16, VI of 1876 755
order in suit to specify how far each ryot is affected thereby, s. 17, VI of 1876 755
rate of rent determined under Act to be fixed for five years, s. 18, VI of 1876 756
suit for abatement or enhancement of rent may be brought on certain grounds during the five years, s. 18, VI of 1876 756
when Collector may refer suit to Civil Court, s. 19, VI of 1876 ... 756
Collector may decide a question of rent, etc., before referring suit to Civil Court, s. 20, VI of 1876 ... 756
enforcement of Collector's decisions, s. 21, VI of 1876 757
disposal of suits pending before Collector after Act is no longer in force, s. 22, VI of 1876 757
no suit to be brought to contest order under Act otherwise than as provided in Act, s. 23, VI of 1876 ... 757
general control of Collector, Commissioner, and Board, s. 24, VI of 1876 757
appeal to and from Collector, s. 25, VI of 1876... 757
judgment of Collector when final if amount sued for is less than Rs. 100, s. 26, VI of 1876 757
section 154 of Act X of 1859 applicable to suits in which Collector's judgment is final, s. 26, VI of 1876 758

AGRARIAN DISPUTES—(*contd.*)
no appeal to lie against order directing arrears of rent to be due unless arrears have been paid, s. 27, VI 1876 758
appeal from Deputy Collector to Collector, s. 28, VI of 1876 ... 758
appeal to Commissioner and Board, s. 29, VI of 1876 758
time for presenting appeals, s. 30, VI of 1876 758

AGREEMENT—
to be executed by manager and guardian under Court of Wards, ss. 38, 59, IV of 1870 ... 223, 227, 234
between East Indian Railway Company and Lieutenant-Governor for collection of Howrah bridge tolls and fees, s. 9, IX of 1871 315, 316
on the part of occupier to pay interest on cost of works of water supply, s. 150, IV of 1876 586

ALE HOUSE—
penalty for keeping without license, s. 18, II of 1866, *and* s. 35, IV of 1866 ... ... 74, 98

ALLOTMENT—
of municipal expenditure, transfer of, s. 71, V of 1876 672

ALLOWANCE—
for ward, s. 32, IV of 1870 ... 222

AMEEN—
to issue notice calling upon persons to sign maps and papers, s. 11, IV of 1875 484
definition of, in Partition Act, s. 4, VIII of 1876 ... 800
notification to attend upon, for the purpose of pointing out boundaries, s. 55, VIII of 1876 817
may require proprietor to attend before him, s. 56, VIII of 1876 .. 817
Deputy Collector may test work of, s. 57, VIII of 1876 817

AMENDS—
for frivolous complaints under Hackney Carriage and Palankeen Act, s. 52, V of 1866 131

ANIMALS—
cruelty to, see CRUELTY TO ANIMALS.
penalty for setting to fight in public, s. 11, II of 1867, *and* s. 3, I of 1869 137, 166
stray, to be impounded, s. 71, IV of 1866 108
definition of, in Calcutta Municipal Act, s. 3, IV of 1876 546
tax to be imposed on, s. 65, IV of 1876 566
owner of, to take out license, s. 66, IV of 1876 566
tax on, in Mofussil municipalities, ss. 78, 122, V of 1876 ... 674, 684

ANNUAL VALUE—
of house or land under Calcutta Municipal Act, s. 104, IV of 1876 ... 575
of holding under Bengal Municipal Act, s. 92, V of 1876 677

ANNUAL VALUE OF LANDS—
definition of, in Road Cess Act, s. 3, X of 1871 327

APOTHECARY, see CHEMIST.

APPEAL—
in measurement cases from decision of Collector, s. 10, VI of 1862 ... 13
in appealable rent cases where Collector rejects application, s. 13, VI of 1862 13
in zemindary dak assessment from Collector to Commissioner, s. 7, VIII of 1862 19
in sales of under-tenures, from Deputy Collector to Collector, s. 13, VII of 1865 63
to Deputy Collector in rent suits, judgments passed on, declared valid, ss. 2, 3, IV of 1867 144
otherwise when appeal has been reheard by a Collector, s. 4, IV of 1867 144
under s. 29 of Reg. VII of 1822, time for presenting, s. 1, III of 1868 ... 151
to Commissioner against revenue sales, s. 2, VII of 1868 ... 156, 157
to Commissioner from Collector about modification of certificates, s. 22, VII of 1868 162
from Special Commissioner under Chota Nagpore Tenures' Act, s. 14, II of 1869 170
no appeal in rent suit from District Judge if amount sued for does not exceed Rs 100, unless right to enhance rent or title to land are involved, s. 102, VIII of 1869 ... 206
from order of Collector under Court of Wards' Act, s. 18, IV of 1870 ... 218
as of right, not to lie against order of punchayet regarding revision of assessment, s. 20, VI of 1870 ... 275
against apportionment under Hooghly and Burdwan Drainage Act, s. 26 V of 1871.. 306
against order of Collector under Hooghly and Burdwan Drainage Act, s. 29, V of 1871 307
to Commissioner against valuation made by Collector under Road Cess Act, ss. 18, 33, X of 1871 ... 332, 336
to Commissioner against Collector's order for levy of fine under Road Cess Act, s. 19, X of 1871 332
to Collector against Superintendent's valuation of house for Road Cess, s. 44, X of 1871 339
from Collector to Commissioner and from Commissioner to Board of Revenue, under Embankment Act, ss. 59, 61, VI of 1873 399
to Collector or Superintendent, under Survey Act, s. 59, IV of 1875 ... 500

APPEAL—(*contd.*)
to Commissioner, under Survey Act, s. 60, IV of 1875 500
orders as to costs of, under Survey Act, s. 61, IV of 1875 .. 500
against order of Mahomedan Registrar refusing to register marriage or divorce, s. 21, I of 1876 ... 506
to High Court from decision of District Judge as to apportionment of compensation, s. 24, III of 1876 522
to Commissioner as to compensation payable for damage done by Canal Officer, s. 38, III of 1876 ... 526
to Collector under Irrigation Act, s. 91, III of 1876 538
to Police Magistrate as to qualification to vote or be elected at Calcutta Municipal election, s. 20, IV of 1876 552
against assessment of tax on profession or trade in Calcutta, s. 79, IV of 1876 569
against assessment of houses and land in Calcutta, ss. 114, 115, 116, IV of 1876 ... ... 577, 588
against amendment of assessment book, s. 119, IV of 1876 .. 579
against assessment by punchayet in union, s. 336, V of 1876 ... 733
to and from Collector under Agrarian Disputes Act, s. 25, VI of 1876 ... 757
from Collector under Agrarian Disputes Act, when amount sued for does not exceed Rs. 100, s. 26, VI of 1876 757
against order directing arrears of rent to be paid, s. 27, VI of 1876 ... 758
from Deputy Collector to Collector under Agrarian Disputes Act, s. 28, VI of 1876 758
to Commissioner and Board of Revenue under Agrarian Disputes Act, s. 29, VI of 1876 758
time for presenting, under Agrarian Disputes Act, s. 30, VI of 1876 ... 758
to Collector under Land Registration Act, s. 85, VI of 1876 ... 791
to Commissioner under Land Registration Act, s. 85, VI of 1876 ... 791
computation of period of limitation, under Land Registration Act, s. 86, VI of 1876 719
to Collector under Partition Act, s. 142, VIII of 1876 841
to Commissioner under Partition Act, s 143, VIII of 1876 841
to Board of Revenue under Partition Act, s. 144, VIII of 1876 842, 843
under Bengal License Act, ss. 19, 35, I of 1878 .. ... 855, 859
to Commissioner and Board of Revenue under Excise Act, s. 83, VII of 1878 890
not to lie from award by Collector of compensation for land taken for embankment, s. 4, VII of 1866 .. 905

APPLICANT—
definition of, s. 4, VIII of 1876 800

APPLICATION—
for registry of tenures and farms created before the passing of Act XI of 1859, s. 1, III of 1862 ... 1
for registry of tenures created after the passing of Act XI of 1859, s. 1, III of 1862 1
for registry of tenures created after the passing of Bengal Act III of 1862, s. 1, III of 1862 ... 1
under sections 10, 11, 15, 16, 40, 43, and 44, of Act XI of 1859, must be accompanied by fees, s. 2, III of 1862 1
fee for filing, under section 10 or 11 of Act XI of 1859, Schedule III of 1862 2
fee for filing, under section 15, of Act XI of 1859, Schedule III of 1862 2
fee for filing, under section 16 of Act XI of 1859, Schedule III of 1862 2
fee for filing, under sections 40, 43 or 44 of Act XI of 1859, Schedule III of 1862 2
for registration of hackney carriage, s. 4, V of 1866 117
for modification of certificate under Bengal Act VII of 1868 ... 162
for registration of Mahomedan marriage or divorce, s. 8, I of 1876 ... 503
for construction of new village-channel, s. 50, III of 1876 529
for supply of water for irrigation, s. 74, III of 1876 534
for review of assessment of tax on persons or valuation of holding, ss. 104, 105, V of 1876 680
for putting Chapter IV of Bengal Municipal Act in force, s. 353, V of 1876 736
for putting the Agrarian Disputes Act in force, s. 3, VI of 1876 ... 752
for registration under Land Registration Act, ss. 38, 44, 45, VII of 1876 .. ... 778, 780
for partition of estate, ss. 17, 18, 19, VIII of 1876 806
for uniting of two estates, s. 130, VIII of 1876 838

APPORTIONMENT—
of compensation under Irrigation Act, ss. 22, 23, 24, III of 1876 ... 522
of zemindary dak charges, s. 56, VIII of 1862 19
of expenditure on Hooghly and Burdwan drainage scheme, ss. 21, 27, V of 1871 305
of sums payable under Embankment Act, ss. 41, 48, VI of 1873 394, 395, 396
provisional, of expenses of erecting boundary marks, s. 24, IV of 1875 489
final, of expenses of erecting boundary marks, s. 26, IV of 1875 .. 490
summary, of expenses of erecting boundary marks, s. 31, IV of 1875 492
of expenses incurred by Mofussil Municipality, among owners and occupiers, ss. 185, 186, V of 1876 ... 699
of costs of partition, s. 40, VIII of 1876 813

APPORTIONMENT—(*contd.*)
of expense of constructing sluice, s. 6, VII of 1866 905
See HOOGHLY AND BURDWAN DRAINAGE, EMBANKMENTS, SURVEY.

ARABLE LANDS—
exempted from Howrah lighting-rate, s. 4, V of 1873 376
exempted from tax on persons occupying holdings, s. 79, V of 1876 ... 675

ARBITRATION—
Court of Wards may submit claim to, s. 73, IV of 1870 230
Collector may refer boundary dispute to, s. 43, IV of 1875 495
as to cost or sufficiency of works for supply of water, s. 154, IV of 1876 587
Collector acting under Agrarian Disputes Act may refer suit to, s. 14, VI of 1876 754
partition may be referred to, ss. 64—67, VIII of 1876 ... 819, 820
any point arising in partition may be referred to, s. 127, VIII of 1876 ... 837

ARRACK SHOP—
penalty for keeping, without license, s. 18, II of 1866, *and* s. 35, IV of 1866 ... ... 74, 98

ARREARS—
of rent, sale of under tenures for recovery of, s. 3, VIII of 1865 ... 61
of pay, forfeiture of, by Police officer, s. 7, II of 1866 71
of rent in certain cases deemed to be a demand, s. 1, VII of 1868 ... 156
of revenue, sale of tenures for, s. 11, VII of 1868 159
of revenue, certificate to be made of, ss. 15, 16, VII of 1868 160, 161
of demand, certificate to be made of, ss. 18, 19, VII of 1868 ... 161
of rent, definition of, s. 22, VIII of 1869 185
of revenue, estates under Court of Wards to be exempt from sale for, s. 4, IV of 1870 214
of revenue, to be the first charge on proceeds of wards' estates, ss. 2, 4, 5, IV of 1870 ... 214, 215
of rate under Village Chowkeedaree Act, realization of, ss 27, 33, VI of 1870 ... ... 276, 277
of assessment, sale of chowkeedaree chakran lands for, ss. 54, 55, VI of 1870 281
of contribution towards expenses of fire brigade by Insurance Companies, realization of, s. 26, II of 1872 ... 3 5
of revenue, may be realized by sale of parent estate, s. 15, VIII of 1876 ... 805
of fee or duty under Excise Act, realization of, s. 36, VIII of 1878 ... 881
of salary due to village policemen, realization of, s. 16, VIII of 1878... 897

ARREST—
under s. 145 of Act X of 1859, s. 18, VI of 1862 15
of person carrying contraband salt, s. 24, VII of 1864 46
by police officer without warrant, of reputed thieves, etc., s. 16, II of 1866, *and* s. 32, IV of 1866 73, 74, 97
by police officer without warrant, of person whose name and address are unknown, s. 43, II of 1866, *and* s. 74, IV of 1866 ... 83, 109
by person injured, s. 43, II of 1866, *and* s. 76, IV of 1866 ... 83, 109
without warrant, of person gambling in public or setting animals to fight in public, s. 11, II of 1867 ... 137
without warrant, of person guilty of cruelty to animals, s. 1, III of 1869 172
before judgment, warrant for, not to be issued in suit for arrears of rent in respect of talook liable to sale, s. 50, VIII of 1869 194
by village chowkeedar, s. 40, VI of 1870 279
under Howrah Bridge Act, s. 30, IX of 1871 320
of person committing certain offences under Jute Warehouse and Fire Brigade Act, s. 32, II of 1872 ... 367
of person committing offence against Port Commissioners' Act or Indian Ports' Act, s. 6, III of 1872 ... 370
of deserting laborer, s. 122, VII of 1873 462
of person committing offence against Calcutta Municipal Act, s. 373, IV of 1876 640
of person committing offence against Bengal Municipal Act, s. 376, V of 1876 712
powers of excise officers as to, ss. 38—41, VII of 1878 ... 881, 882
under Excise Act, to be reported to official superior, ss. 44, 45, VII of 1878 883
in military cantonment, for excise offence, s 81, VII of 1878 ... 890

ARTIFICIAL LIGHT—
in jute warehouses, s. 7, II of 1872 ... 360

ASSAM—
powers of Chief Commissioner with reference to zemindary daks ... 18
powers of Chief Commissioner under Gambling Act, s. 2, II of 1867 ... 135
Gambling Act has been extended by Chief Commissioner to certain places, s 2, II of 1867 ... 135
realization of arrears in Government estates in certain districts in, s. 1, VII of 1868 156
the powers exercisable by the Board of Revenue under Court of Wards' Act have been delegated to Chief Commissioner, IV of 1870 ... 217
Bengal Act I of 1871 extended to Goalpara, s 7, I of 1871 ... 287

ASSAM—(*contd.*)
powers of Chief Commissioner under Labor Districts Emigration Act ... 431
Chief Commissioner may extend Chapter 13 of Labor Districts Emigration Act within his territories to laborers of any particular class ... 462
District Towns' Act was extended to Debrooghur by Government of ... 653
Bengal Municipal Act has been extended to 653

ASSEMBLY—
Commissioner of Police may make rules for conduct of, s. 39, II of 1866, *and* s 62, IV of 1866 ... 80, 104

ASSESSMENT—
of tax on persons, see TAX ON PERSONS.
in Unions, see UNIONS.
for rural police in Hazaribagh and Lohardugga, see HAZARIBAGH AND LOHARDUGGA RURAL POLICE.
punchayet to raise in villages for pay of village chowkeedars, s. 13, VI of 1870 274
persons liable to, s. 14, VI of 1870 .. 274
nature and amount of, s. 15, VI of 1870 274
punchayet to make list of persons liable to, s. 16, VI of 1870 ... 274
punchayet may continue, of current year, s. 17, VI of 1870 ... 274
duration of, s. 18, VI of 1870 .. 275
may be amended by punchayet, s. 19, VI of 1870 275
may be revised by Magistrate, s. 20, VI of 1870 275
of chowkeedaree chakran lands, determination and approval of, ss. 49, 50, VI of 1870 ... 280
of chowkeedaree chakran lands, realization of, ss. 53—56, VI of 1870... 281
punchayet may make, within one month for residue of the year, s. 2, I of 1871 286
gross annual rent to be deemed annual value of house or land, s. 104, IV of 1876 575
to remain in force for six years, s. 105, IV of 1876 575
re-assessment, when substantial improvement made or injury done, ss. 106, 107, IV of 1876 .. 575
when to be final, s. 117, IV of 1876 578
to be entered in assessment book, s. 118, IV of 1876 578
amendment of assessment book, s. 119, IV of 1876 579
new assessment book need not be prepared every six years, s. 120, IV of 1876 579

ASSESSOR—
to Special Commissioner under Chota Nagpore Tenures Act, appointment and duties of, ss. 10—13, II of 1869 ... ... 169, 170
duties and powers of, in determining valuation of houses for road cess, ss. 41, 42, 43, 47, X of 1871 338, 339, 340
of Calcutta Corporation, appointment, removal, and salary of, ss. 32, 35, IV of 1876 ... 556, 558
in Mofussil municipality, appointment of, s. 48, V of 1876 666

ASSETS OF AN ESTATE—
definition of, s. 4, VIII of 1876 ... 800
See PARTITION.

ASSETS OF LAND—
definition of, s 4, VIII of 1876 ... 800
See PARTITION.

ASSISTANT COLLECTOR—
Collector may delegate his functions to, under Land Registration Act, s. 84, VII of 1876 790
Collector may delegate his functions to, under Bengal License Act, s. 32, I of 1878 858

ASSORTMENT—
of liquors, sale of, in contravention of excise law prohibited, s. 15, VII of 1878 876

ATTACHMENT—
of property of manager or guardian under Court of Wards, s. 43, IV of 1870 224
of ward's property, payment of charges of management and Government revenue to have priority over, s. 47, IV of 1870 225
of zemindaree or under-tenure under Hazaribagh and Lohardugga Rural Police Act, s. 29, VIII of 1878 ... 900
of moveable property, for salary due to village policemen, s. 15, VIII of 1878 897

ATTACHMENT BEFORE JUDGMENT—
provisions in Code of Civil Procedure relating to, extended to rent suits, s. 16, VI of 1862 14

AUCTION-PURCHASER—
of under-tenure, to deposit 25 per cent. of the amount of his bid, s. 8, VIII of 1865 62
of under-tenure, to forfeit deposit if balance not paid, s 9, VIII of 1865 63
to be put in possession of under-tenure, on application and deposit of costs, s. 11, VIII of 1865 ... 63
of under-tenure, to receive back purchase-money, if sale is set aside, s. 15, VIII of 1865 64
of under-tenure, to acquire it free of incumbrances, s. 16, VIII of 1865 64
of under-tenure, to register and execute kabuliat, s. 17, VIII of 1865 64
of a mookurruree tenure, cannot set aside certain rights of occupancy, VIII of 1865 65
of under-tenure, acquires it free from lakhiraj incumbrance, VIII of 1865 65

AUCTION-PURCHASER—(*contd*)
of under-tenure, must give notice of intention to avoid incumbrance, VIII of 1865 65
of under-tenure, rights not acquired by, VIII of 1865 65
of under-tenure, can avoid rent-free holding of the purchaser of a portion of the tenure, VIII of 1865 ... 65
of a shikmee tenure, acquires it free of incumbrances, VIII of 1865 ... 65
compensation to, for loss on annulment of revenue sale, s. 2, VII of 1868 157
of tenure at revenue sale acquires it free of incumbrances, with certain exceptions, s. 12, VII of 1868 159, 160
also of under-tenure at sale in execution of decree for arrears of rent, s. 66, VIII of 1869 197

AUDIT—
of managers' disbursements in wards' estates, ss. 48, 51, IV of 1870 225, 226
of guardians' disbursements in wards' estates, s. 62, IV of 1870 ... 228
of Port Commissioners' accounts, s. 53, V of 1870 252
of accounts of Calcutta Corporation, s. 59, IV of 1876 564
of Mofussil municipal accounts, s. 73, V of 1876 672

AUDITOR—
of Port Commissioners' accounts, appointment and powers of, s. 53, V of 1870 252
of accounts of Calcutta Corporation, powers and remuneration of, ss. 60, 62, IV of 1876 ... 564, 565

AWARD—
of damages in rent suit, s. 2, VI of 1862 9
of compensation in rent suit, s. 3, VI of 1862 10
of portion of fine to informer under Bengal Act IV of 1865, s. 4, IV of 1865 55
of compensation by Collector under Irrigation Act, s. 16, III of 1876 520
of Calcutta Municipal Engineer as to cost or sufficiency of works for supply of water, s. 154, IV of 1876 ... 587
of compensation for land taken for embankments, s. 4, VII of 1876 ... 904

BAIL—
person arrested under Salt Act may be admitted to, s. 26, VII of 1864 46
in case of person brought to a Station House, under Police Acts, ss. 46, 47, II of 1866, *and* ss. 76, 77, 78, IV of 1866 ... ... 83, 109, 110
in case of certain offenders under Jute Warehouse and Fire Brigade Act, s. 32, II of 1872 367

BALCONY—
in public street, s. 210, IV of 1876 ... 599

BANDELL—
removal of, s. 15, V of 1864 ... 33

BANKRUPT—
disqualified from being member of Calcutta Corporation, s. 23, IV of 1876 553

BARRACKS—
penalty for taking spirits, or fermented liquors into, without license from Commanding Officer, s. 33, IV of 1866 97

BATHING—
penalty for, in public street, tanks, &c., without permission from Commissioner of Police, s. 40, II of 1866, *and* s. 66, IV of 1866 82, 107

BATHING GHATS—
to be provided by Port Commissioners, s. 55, V of 1870 253
to be provided by Calcutta Municipal authorities, s. 255, IV of 1876 ... 611

BATHING PLACES—
may be set apart in Mofussil municipalities, s. 209, V of 1876 ... 703

BAZAR—
definition of, in Calcutta Municipal Act, s. 3, IV of 1876 546
See MARKET.

BEARER—
of palankeen, see PALANKEEN, PENALTY.

BEGGARS—
penalty on, s. 40, II of 1866, *and* s. 70, IV of 1866 ... 82, 108

BENGAL COUNCIL—
witness may be summoned before, s. 1, III of 1866 85
Chairman of Calcutta Corporation may be a member of, s. 33, IV of 1876... 557

BENZOLE, see INFLAMMABLE OIL.

BERMES—
forming part of Government embankment, to vest in Government, s. 34, VI of 1873 391

BHANG—
wholesale and retail sale of, s. 15, VII of 1878 876
restriction of sale of, s. 16, VII of 1878 877
See EXCISE.

BHET-KHETA—
included in Bhuinhari and Majhahas tenures in Chota Nagpore, s. 1, II of 1869 167

BHUINHARI, see CHOTA NAGPORE TENURES.

BHUT-KHETA—
included in Bhuinhari tenures in Chota Nagpore, s. 1, II of 1869 ... 167

BILL—
penalty for affixing in public street, without permission from Commissioner of Police, s. 40, II of 1866, *and* s. 66, IV of 1866 ... 82, 107

BIRDS—
penalty for setting to fight in public, s. 11, II of 1867, *and* s. 3, I of 1869 ... ... 137, 166

BIRTHS—
registration of, in Bengal, see REGISTRATION OF BIRTHS AND DEATHS.
keeper of lodging-house to report, s. 13, IV of 1871 292
register of, in Calcutta, s. 169, IV of 1876 591
registrar to inform himself of, s. 172, IV of 1876 591
who to give information of, s. 173, IV of 1876 591

BOARD OF REVENUE—
powers and duties of, under Court of Wards' Act, see COURT OF WARDS.
powers and duties of, under Excise Act, see EXCISE.
when to decide point of jurisdiction in rent suits, s. 20, VI of 1862 ... 16
to grant licenses for manufacture of salt, s. 7, VII of 1864... ... 43
to grant rowannahs for possession and transport of salt, ss. 13, 19, VII of 1864 ... ...44, 45
confiscated salt to be held at disposal of, s. 32, VII of 1864 48
may remit penalties under Salt Act, s. 39, VII of 1864 49
fines levied under Salt Act to be at disposal of, s. 41, VII of 1864 ... 50
power of revision by, in case of sale of under-tenure, s. 14, VIII of 1865 ... 64
order of, relating to assessment of island thrown up in navigable river, to be final, s. 3, IV of 1868 ... 152
appeal from Commissioner to, under Embankment Act, s. 59, VI of 1873 399
general control of, under Embankment Act, s. 62, VI of 1873 ... 399
may direct Collector to perform duties of Superintendent of Survey, s. 4, IV of 1875 483
general control of, under Survey Act, s. 58, IV of 1875 500
may make rules under Survey Act, s. 63, IV of 1875 501
control of, under Irrigation Act, s. 91, III of 1876 538
to issue instructions to Collector under Agrarian Disputes Act, s. 10, VI of 1876 753
general control of, under Agrarian Disputes Act, s. 24, VI of 1876 ... 757
appeal to, under Agrarian Disputes Act, ss. 29, 30, VI of 1876 ... 758
to regulate forms, &c., of Registers, s. 5, VII of 1876 765
may lay down rules for the registration of revenue-free lands, s. 13, VII of 1876 768
to prescribe time for preparation of first General Registers and first Mouzahwar Register, s. 21, VII of 1876 771
may order new registers to be prepared, s. 22, VII of 1876 771
may exempt district from obligation to give notice of establishment of new village, s. 30, VII of 1876 ... 774
may decide what revenue-free lands are to be included in each revenue-free property, s. 36, VII of 1876 ... 777
may direct lands to be omitted from General Register of revenue-free lands, s. 37, VII of 1876 ... 777
appeal to, under Land Registration Act, s. 85, VII of 1876 ... 791
may make rules under Land Registration Act, s. 88, VII of 1876 791, 792
to sanction special establishments for partition, s. 38, VIII of 1876 ... 813
to fix and revise scale of fees for partition charges, ss. 46, 47, VIII of 1876 815
appeal to, under Partition Act, s. 144, VIII of 1876 ... 842, 843
to be guided by order of Lieutenant-Governor in partition cases, s. 151, VIII of 1876 845
may make rules under Partition Act, s. 152, VIII of 1876 845

BOAT—
may be entered and searched for salt, s 28, VII of 1864 47
may be searched for inflammable oil, s. 12, III of 1865 53
See PASSENGER BOAT

BOILER AND PRIME MOVER—
definition of, s. 1, VI of 1864 ... 35
inspectors to be appointed of, s. 2, VI of 1864 35
may not be used without certificate, s. 3, VI of 1864 36
owner to give notice of intention to use, s. 4, VI of 1864 36
inspection of, s. 4, VI of 1864 ... 36
certificate for use of, s. 5, VI of 1864 36
further inspection of, s. 6, VI of 1864 36
owner of, bound to produce certificate, s. 8, VI of 1864 37
penalty for using, without certificate, s. 9, VI of 1864 37
certificate for use of, may be revoked if person in charge is not competent, s. 1, III of 1875 476
new certificate may be granted on application of owner, s. 1, III of 1875 476

BOND—
spirituous liquor removed from distillery under, s. 18, VII of 1878 ... 877

BONFIRE—
penalty for lighting, in public street, without permission from Commissioner of Police, s. 40, II of 1866, *and* s. 66, IV of 1866... 81, 107

BORROWING POWERS—
of Port Commissioners, ss. 41—47, V of 1870 .. ... 249, 250
of Calcutta Municipality, ss. 334—336, IV of 1870... 631

BOUNDARIES—
of chowkeedaree chakran lands, demarcation of, s. 61, VI of 1870 ... 282
See SURVEY.

BOUNDARY MARKS—
construction and assignment of, after partition, s. 126, VIII of 1876 ... 837
See SURVEY.

BRANCH COMMITTEES—
under Road Cess Act, see ROAD CESS COMMITTEES.

BREACH OF TRUST—
power to sue Collector, guardian, or manager for, s. 82, IV of 1870 ... 233

BREWERY—
not to be constructed or worked without license, s. 6, VII of 1878 ... 874
rules for management of, s. 8, VII of 1878 875

BRIBE—
penalty for giving or taking, at Calcutta municipal election, s 24, IV of 1876 553

BRICK-KILN—
to be registered at municipal office, s. 297, IV of 1876 621
municipal license for, s. 285, V of 1876 721

BRIDGE—
between Calcutta and Howrah, see HOWRAH BRIDGE.
district committee to prepare statement of bridges under Road Cess Act, s. 66, X of 1871 343
See TOLLS.

BRITISH STEAMER—
Lieutenant-Governor may give special directions for survey of, s. 7, V of 1862 4

BROTHEL—
Commissioner of Police may order owner or tenant to discontinue use of, s. 17, II of 1866, *and* s. 43, IV of 1866 ... ... 74, 100

BUDGET—
of expense of police force, see POLICE BUDGET.
to be laid before Calcutta Corporation, s. 56, IV of 1876 564

BUILDING—
license for, for keeping inflammable oil, s. 5, III of 1865 ... 51
rules for, for keeping inflammable oil, ss. 8 and 9, III of 1865 ... 52
penalty for keeping inflammable oil in unlicensed, s. 11, III of 1865 . 52

BUOYS—
laid down by Port Commissioners, to be regulated by Indian Ports' Act, s. 81, V of 1870 263

BURIAL GROUND—
sub-registrar to be appointed for each, s. 169, IV of 1876, *and* s. 296, V of 1876 .. .. 591, 724
sub-registrar to dwell in vicinity of, s. 170, IV of 1876 591
to be registered in municipal book, s. 302, IV of 1876, *and* s. 278, V of 1876 ... 622, 720
municipal authorities may prohibit use of, s. 307, IV of 1876, *and* s. 280, V of 1876 ... ... 623, 720
not to be opened without municipal license, s 305, IV of 1876, *and* s. 279, V of 1876 ... 623, 720
may be provided by municipal authorities, s 310, IV of 1876, *and* s. 283, V of 1876 721
rule as to, in partition cases, s. 108, VIII of 1876 831

BURNING GHAT—
sub-registrar to be appointed at each, s. 169, IV of 1876, *and* s. 296, V of 1876 ... ... 591, 724
sub-registrar to dwell in vicinity of, s. 170, IV of 1876 591

BURNING GROUND—
to be registered at municipal office, s. 302, IV of 1876, *and* s. 278, V of 1876 ... ... 622, 720
not to be opened without municipal license, s. 305, IV of 1876, *and* s. 279, V of 1876 ... 622, 720
municipal authorities may prohibit use of, s. 307, IV of 1876, *and* s. 280, V of 1876 623
municipal authorities may provide, s. 310, IV of 1876, *and* s. 283, V of 1876 624
rule as to, in partition cases, s. 108, VIII of 1876 831

BYE-LAWS—
for slaughter-houses and meat markets, ss. 1, 4, VII of 1865 59
of Port Commissioners, ss. 82—86, V of 1870 ... ... 263, 264
under Pooree Lodging-house Act, ss. 37, 38, IV of 1871 298
made by Lieutenant-Governor under Howrah Bridge Act, ss. 6, 7, 8, IX of 1871 315
made by Port Commissioners under Howrah Bridge Act, ss. 24, 25, IX of 1871 319

BYE-LAWS—(*contd.*)
under Jute Warehouse and Fire Brigade Act, s. 16, II of 1872 ... 362
for municipal markets, s. 313, IV of 1876 625
of Calcutta municipality, ss. 340—345, IV of 1876... ... 632, 633
of Mofussil municipalities, ss. 313—315, V of 1876. ... 727, 728
of Mofussil municipalities, publication of, s 365, V of 1876 739

CALCUTTA POLICE ACT—
penalties imposed by Salt Act, enforced under, s. 35, VII of 1864 ... 49

CAMEL—
penalty for driving in public street, without permission from Commissioner of Police, s. 40, II of 1866, *and* s. 66, IV of 1866 ... 81, 106

CANAL—
extension of Canals' Act to, s. 2, V of 1864 30
Lieutenant-Governor may authorize making of, s. 3, V of 1864 ... 30
acquisition of land for, s. 3, V of 1864 30
tolls for vessels on, ss. 5—9, V of 1864 ... . 30, 31
rules for management of, ss. 11, 12, V of 1864 32
appointment and powers of supervisor of, ss. 13, 14, 15, V of 1864 ... 33
removal of obstructions in, ss. 13, 14, 15, V of 1864 33
penalty for causing obstruction in, s. 16, V of 1864 34
under Road Cess Act, vice-chairman of district committee to prepare statement of, s. 66, X of 1871 ... 343
constructed for irrigation not to be brought within operation of Road Cess Act, ss. 66, 90, X of 1871 343, 348
definition of, in Irrigation Act, s. 3, III of 1876 515
See IRRIGATION.

CANAL OFFICER—
definition of, s. 3, III of 1876 ... 516

CANTONMENT—
Act for prohibition of inoculation by small-pox may be extended to, s. 3, IV of 1865 55
Bengal Municipal Act not to be extended to, without consent of the Governor-General, s. 5, V of 1876 654
manufacture and sale of exciseable articles in, s. 80, VII of 1878 ... 890
arrest or search in, under excise laws, s. 81, VII of 1878 890

CARDS, see COMMON GAMING-HOUSE.

CARGO—
landing and shipping of, by Port Commissioners, ss. 60, 64, V of 1870 254, 255, 256

CARGO BOAT—
crew required for, III of 1867 ... 142

CARRIAGE—
penalty for driving without sufficient light, s. 40, II of 1866, *and* s. 66, IV of 1866 ... 80, 106
penalty for exposing, cleaning, &c., in place not allowed by Commissioner of Police, s. 40, II of 1866, *and* s. 66, IV of 1866 ... 80, 106
penalty for driving, otherwise than on left side of the road, s. 40, II of 1866, *and* s. 66, IV of 1866 81, 106
penalty for leaving without control, s. 40, II of 1866, *and* s. 66, IV of 1866 ... ... 81, 107
penalty for obstructing footway with, s. 40, II of 1866, *and* s. 66, IV of 1866 ... ... 81, 107
definition of, in Calcutta Municipal Act, s. 3, IV of 1876 546
tax to be imposed on, s. 65, IV of 1876 566
owner of, to take out license, s. 66, IV of 1876 566
definition of, in Bengal Municipal Act, s. 6, V of 1876 654
tax on, in Mofussil municipalities, ss. 78, 122, V of 1876 ... 674, 684
when exempted from Mofussil municipal tax, s 122, V of 1876 .. 684
license for, in Mofussil municipality, s. 126, V of 1876 685
acquired during half-year, proportionate tax on, s. 125, V of 1876 ... 685
liable to tax, though owner does not reside in municipality, s. 127, V of 1876 685
refund of tax on, s 132, V of 1876 ... 686
See HACKNEY CARRIAGE.

CART—
definition of, in Calcutta Municipal Act, s. 3, IV of 1876 546
registration of, in Calcutta, the Suburbs, and Howrah, s. 83, IV of 1876 569
fee for registration of, s. 85, IV of 1876 570
unregistered, may be seized and sold, s 87, IV of 1876 570
definition of, in Bengal Municipal Act, s. 6, V of 1876 654
fee on registration of, in Mofussil municipalities, ss. 78, 134, V of 1876 ... ... 674, 687
registration of, in Mofussil municipalities, s. 133, V of 1876 ... 687
seizure and sale of unregistered, s. 138, V of 1876 688

CARTMAN—
not to keep animals without municipal license, s. 247, IV of 1876 ... 609

CASTING VOTE—
president to have, at Port Commissioners' meeting, s. 28, V of 1870 246
at meeting of Calcutta Corporation, s. 48, IV of 1876 561
at meeting of Mofussil Municipal Commissioners, s. 43, V of 1876 ... 665

CATTLE
penalty for slaughtering, without license, s. 7, VII of 1865 ... 60
penalty for causing mischief to, s 40, II of 1866, *and* s. 66, IV of 1866 81, 106
definition of, in Suburban and Calcutta Police Acts, s. 51, II of 1866, *and* s. 3, IV of 1866 ... ... 84, 92
horned, not to be kept in Calcutta without license, s. 247, IV of 1876 ... 609

CAUSE OF ACTION—
in rent suits, s. 20, VI of 1862, *and* ss. 35, 36, VIII of 1869 15, 16, 188, 189
in suits to recover rate from employer of laborers, s. 96, VII of 1873 ... 454
in suit against Mofussil municipal authorities, s. 374, V of 1876 ... 741

CENSUS—
Lieutenant-Governor may take, of Bengal, s. 1, XI of 1871 354
Lieutenant-Governor to appoint officer to superintend the taking of, s. 2, XI of 1871 354
chief executive officer of each district to appoint enumerators, s. 3, XI of 1871 354
in Calcutta and municipalities, chief executive officer of municipality to appoint enumerators, s. 4, XI of 1871 355
powers of chief executive officer, s. 5, XI of 1871 355
powers of enumerators, s. 6, XI of 1871 355
penalty on enumerator for misconduct, s. 7, XI of 1871 355
persons who may be required to act as enumerators, s. 8, XI of 1871 ... 356
jurisdiction in prosecutions, s 9, XI of 1871 356
in Calcutta, may be taken by Corporation, s. 179, IV of 1876 ... 593
Chairman or Vice-Chairman to superintend, s. 180, IV of 1876 ... 593
town to be divided into enumeration districts, s. 182, IV of 1876 ... 593
occupiers of houses to give information, s. 182, IV of 1876 593
duties of enumerators, s. 183, IV of 1876 593
form to be delivered to occupiers, s. 184, IV of 1876 593
military and naval officers, &c., may be required to act as enumerators, s. 185, IV of 1876 594
return of houseless persons, s. 187, IV of 1876 594
enumerators to fill in forms for persons unable to write, s. 188, IV of 1876 594

CENTRAL JAIL—
Government may maintain, s. 4, II of 1864 25
to be under control of Superintendent, s. 6, II of 1864 25

CERTIFICATE—
for use of boiler or prime mover, granting of, ss. 3, 8, VI of 1864 ... 36
for use of boiler or prime mover, duration and revocation of, s. 56, VI of 1864 ... . .36, 37
penalty for using boiler or prime mover without, s. 9, VI of 1864 ... 37
for use of boiler or prime mover, form of, Schedule VI of 1864 . . 38
to person inoculated with the small-pox, s. 2, IV of 1865 55
of sale of under-tenure, s. 11, VIII of 1865 63
Police officer to receive, on enrolment, s. 8, II of 1866, *and* s. 13, IV of 1866 ... . 71, 94
Police officer must deliver up, under penalty, when he ceases to hold his office, s. 9, II of 1866, *and* s. 15, IV of 1866 ... ... 72, 95
from Commissioner of Police, excise license not to be granted without, s. 19, II of 1866, *and* s. 36, IV of 1866 ... . 75, 98
fee for the same, s. 24, II of 1866, *and* s. 41, IV of 1866 ... ... 76, 100
form of Police officer's on enrolment, Schedule II of 1866 85
of competency and service may be given to engineers of steam vessels, ss. 9, 10, I of 1868 149
of engineer, may be cancelled or suspended, s. 14, I of 1868 ... 150
of engineer, granted by competent authority in United Kingdom, to be valid in Bengal, s. 15, I of 1868 ... 150
of engineer to be made in duplicate, s. 16, I of 1868 150
of engineer, copy to be given when lost, s. 17, I of 1868 150
of title under section 28 of Act XI of 1859, to be conclusive evidence of regularity of notice, s. 8, VII of 1868 158
of unliquidated arrears, after revenue sale, s. 15, VII of 1868 ... 160, 161
of revenue arrears payable by a farmer, s. 16, VII of 1868 161
of revenue arrears and of demand to have effect of decree of Civil Court, ss. 17, 20, VII of 1868... ... 161
of arrears of demand payable to a Collector, s. 18, VII of 1868 ... 161
of arrears of demand payable to officer other than Collector, s. 19, VII of 1868 161
notice of, to be served, s. 21, VII of 1868 161
to have effect of prohibitory order and attachment under Code of Civil Procedure, s. 21, VII of 1868 ... 162
Collector on application of aggrieved person may set aside, or modify or vary, s. 22, VII of 1868 .. 162
may be enforced in the same way as decrees for money, s 24, VII of 1868 162
execution of, to be guided by Code of Civil Procedure, s. 24, VII of 1868 162, 163
to be entered in a book, which is to be open to inspection, ss. 25, 26, VII of 1868 163
satisfaction to be entered on, s. 27, VII of 1868 163

CERTIFICATE—(*contd.*)
form of, Schedule A, VII of 1868 ... 164
to be given to purchaser of distrained property, s. 89, VIII of 1869 ... 202
to be given to village chowkeedar on appointment, s. 36, VI of 1870 ... 277
for Pooree lodging-house, ss. 6, 8, IV of 1871 291
of sums advanced for Hooghly and Burdwan drainage scheme, s. 19, V of 1871 303
of Secretary to Insurance Company as to return made under Fire Brigade Act, s. 27, II of 1872... 365, 366
of cost of fire-brigade to be furnished by Calcutta Corporation to Suburban Commissioners, s. 29, II of 1872 ... 366
by engineer, of expenses under Embankment Act, s. 38, VI of 1873 ... 393
of garden-sirdar, to be presented to and countersigned by Magistrate, ss. 16, 17, VII of 1873 ... 433, 434
of garden-sirdar who is not a recruiter, to be countersigned by authorities and may be cancelled by Magistrate, ss. 19, 20, VII of 1873 ... 434
medical, for emigrant engaged by recruiter, s. 42, VII of 1873 ... 439
of person appointed by Magistrate to accompany emigrants, s. 50, VII of 1873 441
of medical inspector that emigrant is not fit to proceed to labor district, s. 53, VII of 1873 442
emigrants' pass not to be granted without medical, s. 67, VII of 1873 ... 446
that laborer is permanently incapacitated for work, s. 112, VII of 1873 458
of fitness of estate for residence of laborers, s. 120, VII of 1873 ... 461
of determination of contract to be given to laborer, s. 138, VII of 1873 ... 467
for use of boiler or prime mover, may be revoked if person in charge is not competent, s. 1, III of 1875 ... 476
for use of boiler or prime mover, may be granted afresh on application by owner, s. 1, III of 1875 ... 476
corpse not to be buried or burnt without, s. 177, IV of 1876 ... 592
for burial or burning ground, s. 307, IV of 1876 623
that land is fit to be used as a market, s. 305, V of 1876 726
of Collector, under Agrarian Disputes Act, that arrears have been paid, s. 27, VI of 1876 758

CERTIFICATE OF SURVEY AND DECLARATION—
when to be given to owner or master of steam vessel by surveyor, s. 4, V of 1862 3
penalty if steam vessel leaves port without, ss. 5, 6, V of 1862 ... 4
to be hung up in conspicuous part of steam vessel, s. 11, V of 1862 ... 5
to remain in force for only six months, s. 12, V of 1862 5
exemption from penalty after expiry of, s. 12, V of 1862 5
Lieutenant-Governor may require delivery of, s. 12, V of 1862 5
penalty for non-delivery of, s. 12, V of 1862 5
grounds for revocation and cancelment of, s. 13, V of 1862 5
procedure if surveyors of steam vessel decline to give, s. 14, V of 1862 ... 6
or if they give one with which owner of vessel is dissatisfied, s. 14, V of 1862 6
when it becomes final and conclusive, s. 14, V of 1862 6
form of, schedule A, V of 1862 ... 7
certificate of survey not to be granted, unless vessel has a certificated engineer, s. 11, I of 1868 149

CESS, see ROAD CESS, PUBLIC WORKS CESS.

CESS-POOL—
to be kept in proper order by owner, s. 228, IV of 1876 604
constructed contrary to municipal regulations, alteration of, s. 229, IV of 1876 604
inspection of, by Calcutta municipal authorities, s. 231, IV of 1876 ... 604
penalty for unauthorized construction or alteration of, s. 230, IV of 1876 604
not to be constructed within fifty feet of a tank, s. 233, IV of 1876 ... 605
inspection of, by Mofussil municipal authorities, s. 200, V of 1878 ... 702

CHAIRMAN—
of Port Commissioners, see PORT COMMISSIONERS.
of Hooghly and Burdwan Drainage Commissioners, see HOOGHLY AND BURDWAN DRAINAGE.
of district road cess committee, see ROAD CESS COMMITTEES, DISTRICT ROAD FUND.
of Calcutta Municipal Commissioners, see COMMISSIONERS OF CALCUTTA MUNICIPALITY.
of Mofussil Municipal Commissioners, see COMMISSIONERS OF MOFUSSIL MUNICIPALITIES.
of Ward Committee, see WARD COMMITTEE.

CHANNEL—
definition of, in Canals' Act, s. 1, V of 1864 29

CHARAS—
wholesale and retail sale of, s. 15, VII of 1878 876
See EXCISE.

CHEMIST—
may sell drug for medicinal purpose without license, s. 18, II of 1866, *and* s. 35, IV of 1866... ...74, 98
not to allow liquors to be drunk on his premises, s. 43, VII of 1878 ... 882

CHEQUES—
signature of, for payment out of District Road Fund, s. 85, X of 1871... 347

CHIEF AGENT—
notice to return profits to be served on, under Road Cess Act, s. 29, X of 1871 335

CHIEF EXECUTIVE OFFICER—
in each district and municipality, to appoint enumerators for census, ss. 3, 4, XI of 1871 ... 354, 355
may call upon landholders, &c., to give assistance towards taking a census, s. 5, XI of 1871 ... 355

CHITTAGONG—
extension of Labor Districts Emigration Act to, II of 1878 ... 862

CHOLERA—
hospital depôt for emigrants affected with, s. 37, VII of 1873 ... 438

CHOTA NAGPORE TENURES—
Act for, not affected by Landlord and Tenant Act, s. 109, VIII of 1869... 207
definition of Bhuinhari and Majhahas tenures, s. 1, II of 1869 ... 167
Lieutenant-Governor may appoint Commissioners to investigate, s. 2, II of 1869 168
duties and powers of Special Commissioner, ss. 3, 4, II of 1869 ... 168
Special Commissioner to make accurate record of Bhuinhari and Majhahas lands, s. 5, II of 1869 ... 168
Special Commissioner may restore persons wrongfully dispossessed, s. 6, II of 1869 168
presumption as to conditions, rents and services of Bhuinhari and Majhahas lands, s. 7, II of 1869 . 169
lands not to be registered if tenure commenced within twenty years, s. 8, II of 1869 169
application for commutation of conditions or services of lands of Bhuinhari tenure, s. 9, II of 1869 ... 169
on receipt of such application, Special Commissioner to serve notice to appoint assessor, s. 10, II of 1869 ... 169
Special Commissioner to hear application with assessors, s. 11, II of 1869 170
decision to rest with Special Commissioner, s. 12, II of 1869 ... 170
review of decision to be heard by Special Commissioner without assessors, s. 13, II of 1869 170
appeal from order of Special Commissioner, s. 14, II of 1869 ... 170
application for review of judgment, ss. 15, 16, II of 1869 170
review of judgment may be granted or refused, s. 17, II of 1869 170, 171
notice of review of judgment to be given to all persons interested, s. 18, II of 1869 171
order for re-hearing, s. 19, II of 1869 171
no suit to be brought to set aside decision of Special Commissioner or Commissioner of the Division, s. 20, II of 1869... 171
mukhtar and vakil cannot be heard without consent of Special Commissioner, s. 21, II of 1869 ... 171
Lieutenant-Governor may make rules and orders, s. 23, II of 1869 ... 171
judgment in suit not to be evidence, s. 24, II of 1869 172
register to be confirmed and published and to be conclusive evidence of the matters recorded therein, s. 26, II of 1869 172

CHOWKEEDAR—
to report birth or death under penalty, s. 6, IV of 1873 ... 373
See VILLAGE CHOWKEEDARS.

CHOWKEEDAREE CHAKRAN LANDS—
definition of, s. 1, VI of 1870 .. 272
to be transferred to zemindars, s. 48, IV of 1870 280
to be subject to an. assessment, s. 49, VI of 1870 280
assessment of, to be submitted to Collector, s. 50, VI of 1870 ... 280
effect of transfer to zemindar, s. 51, VI of 1870 280
assessment to be a permanent yearly charge, s. 52, VI of 1870 ... 281
assessment deemed to be a demand, s. 53, VI of 1870 281
notice of arrear of assessment to be given to Collector, s. 54, VI of 1870 281
sale for arrears of assessment, s. 55, VI of 1870 281
application of proceeds of sale, s. 56, VI of 1870 281
when lands have been transferred to a zemindar, the right to performance of services by occupier is to cease, s. 57, VI of 1870 282
Lieutenant-Governor may appoint commission to ascertain, s. 58, VI of 1870 282
powers of commission, ss. 59, 60, VI of 1870 282
duties of commission, s. 61, VI of 1870 282
Part II of Bengal Act of 1870 applicable to, when they have been assigned for the benefit of a municipality, s. 375, V of 1876 ... 742

CHOWKEEDAREE FUND—
constitution of, s. 23, VI of 1870 ... 275

CINCHONA PLANTATIONS—
return of, under Road Cess Act, s. 9, X of 1871 329

CISTERN—
latrines and water closets to be provided with, s. 135, IV of 1876 ... 583

CIVIL COMMOTION—
assessment of house injured by, s. 107, IV of 1876 575

CIVIL COURT—
suits for resumption of land held free of assessment to be heard by, s. 2, VII of 1862 17
also suits to hold land exempt from the payment of revenue, s. 2, VII of 1862 17
rent suits to be cognizable by, s. 38, VIII of 1869 188
application to, by Collector, when proprietor not subject to lunacy jurisdiction of High Court is a lunatic, s. 24, IV of 1870 219
powers of Court of Wards, when proprietor not residing in Bengal is found lunatic by, s. 26, IV of 1870 220
enquiry by, when proprietor is deemed disqualified on the ground of some natural or acquired defect or infirmity, ss 27, 28, 29, IV of 1870 ... ... 220, 221
process issued out of, against ward, to be served through Court of Wards, s. 71, IV of 1870 ... 230
order under Embankment Act not open to revision by, s. 60, VI of 1873 399
to determine damages and compensation under Chapter II of Bengal Municipal Act, s. 190, V of 1876 .. 700
Collector may refer suit under Agrarian Disputes Act to, s. 19, VI of 1876 756
definition of, in Land Registration Act, s. 3, VII of 1876 763
may order alteration in Collector's register, s. 32, VII of 1876 ... 775
application for registration of manager appointed by, s. 47, VII of 1878 780
Collector may refer dispute to, in case of application for registration, s. 55, VII of 1876 782
procedure by Collector on making reference to, under Land Registration Act, s. 58, VII of 1876 ... 783
procedure by, on such reference being made, s. 59, VII of 1876 ... 784
suit in, when to affect partition proceedings, ss. 25, 26, VIII of 1876 ... 808
may order partition, but may not specify amount of revenue for which estate is to be liable, s. 29, VIII of 1876 810
may not direct Collector to carry out partition otherwise than in accordance with Partition Act, s. 30, VIII of 1876 810
when may order parties to pay partition expenses, s. 50, VIII of 1876 815

CIVIL JAIL—
manager and guardian under Court of Wards Act may be confined in, s. 43, IV of 1870 224
person arrested under section 145 of Act X of 1859 may be confined in, s. 18, VI of 1862 15
to be maintained in every district, s. 3, II of 1864 25
prisoners committed to, to be kept apart from prisoners committed to the criminal jail, s. 14, II of 1864 26
control of, s. 3, V of 1865 ... 56
person resisting distraint may be imprisoned in, s. 100, VIII of 1869 ... 206

CLASSIFICATION—
of prisoners in jail, s. 14, II of 1864 ... 26

CLEARANCE—
not to be granted to steam vessel leaving port without certificate and declaration, s 5, V of 1862 ... 3

CLOTHING—
penalty on police officer for not delivering up, s. 9, II of 1866, *and* s. 15, IV of 1866 ... 72, 95
of police officer, disposal of moneys from sale of, s. 11, II of 1866, *and* s. 17, IV of 1866 ... 72, 95

CODE OF CIVIL PROCEDURE—
sections 483 to 490 extended to rent suits, s. 16, VI of 1862 ... 14
certificate of arrears of revenue or demand to affect immoveable property as prohibitory order and attachment issued under, s. 21, VII of 1868 161, 162
certificate of arrears of revenue or demand to be enforced as decree for money under, s. 24, VII of 1868, 162, 163
proceedings in rent suits to be regulated by, s. 34, VIII of 1869 ... 188
Court of Wards to be guided by procedure in, s. 83, IV of 1870 .. 233
order for levy of fine under Road Cess Act to be enforced as decree is enforced under, s 10, X of 1871 329, 330
procedure in Chapter XXXVII of, applicable to arbitrations respecting disputed boundaries, s. 43, IV of 1875 495
sections of, applicable to arbitrations under Agrarian Disputes Act, s. 14, VII of 1876 754
sections of, applicable to arbitrations under Partition Act, s. 65, VIII of 1876 820

CODE OF CRIMINAL PROCEDURE—
recovery of penalties imposed by Canal Act under, s. 17, V of 1864 ... 32
recovery of penalties imposed by Bengal Act II of 1863 under, s. 7, II of 1863 23
recovery of penalties imposed by Bengal Act VI of 1864 under, s. 11, VI of 1864 37
applies to trial of cases under the Salt Act, s. 30, VII of 1864... ... 48
applies to adjudication of confiscated inflammable oil, s. 14, III of 1865 53

CODE OF CRIMINAL PROCEDURE—(*contd.*)
certain provisions applicable to offences under Inoculation Act, s. 16, IV of 1865 55
fines under Suburban and Calcutta Police Acts recoverable as prescribed by section 307 of, s. 48, II of 1866, *and* s. 51, IV of 1866 84, 130, 131
fines under Gambling Act recoverable as prescribed in section 307 of, s. 14, II of 1867 138
fines under Bengal Act III of 1867 recoverable as prescribed in section 307 of, s. 17, III of 1867 ... 141
section 307 made generally applicable to fines under Bengal Acts, s. 4, V of 1867 146
applicable to charges under Cruelty to Animals Act, s. 7, I of 1869 ... 166
applicable to charges under Port Commissioners' Act, s. 80, V of 1870 ... 263
offences under Pooree Lodging-house Act to be heard according to, s. 19, IV of 1871 294
applicable to offences under Jute Warehouse and Fire Brigade Act, s. 34, II of 1872 368
cost of removal of embankment or repair to be levied under section 307, s. 56, VI of 1873 398
offences under Labor Districts Emigration Act triable according to provisions of, s. 9, VII of 1873 ... 432
offences punishable under Bengal Act II of 1866 to be tried under section 8, s. 2, I of 1874 472
fines imposed under Survey Act may be levied under section 307, s. 55, IV of 1875 499

COFFEE-HOUSE—
license for, s. 18, II of 1866, *and* s. 35, IV of 1866 ... 74, 98

COFFEE PLANTATIONS—
return of, under Road Cess Act, s. 9, X of 1871 329

COLLECTOR—
powers and duties of, under Court of Wards Act, see COURT OF WARDS.
powers and duties of, under Road Cess Act, see ROAD CESS.
powers and duties of, under Embankment Act, see EMBANKMENTS.
powers and duties of, under Survey Act, see SURVEY.
powers and duties of, under Irrigation Act, see IRRIGATION.
powers and duties of, under Agrarian Disputes Act, see AGRARIAN DISPUTES.
powers and duties of, under Land Registration Act, see LAND REGISTRATION.
powers and duties of, under Estates Partition Act, see PARTITION.
powers and duties of, under Bengal License Act, see TRADES LICENSE TAX.
to receive deposit of rent on application of ryot, s. 5, VI of 1862 .. 10
and to give a receipt for the same, s. 5, VI of 1862 10
to issue notice on receipt of deposit, s. 5, VI of 1862 11
to enquire into cases of measurement of lands, s. 9, VI of 1862 ... 12
when to measure lands, s. 10, VI of 1862, *and* s. 39, VIII of 1869 12, 190
procedure of, with reference to measurement of lands, s. 10, VI of 1862, *and* s. 39, VIII of 1869 13, 190
no appeal from, under section 58 of Act X of 1859, s. 13, VI of 1862 ... 14
may award fees for agent or mooktears, s. 14, VI of 1862 14
judgment of, in rent suits, s. 15, VI of 1862 14
may withdraw rent suit from Deputy Collector, s. 20, VI of 1862 ... 15
when to decide point of jurisdiction in rent suits, s. 20, VI of 1862 ... 16
definition of, in Bengal Act VIII of 1865, s. 1, VIII of 1865 ... 61
to conduct sale of under-tenures, ss. 3, 4, VIII of 1865 ... 61, 62
appeal to, in case of sale of under-tenure, s. 13, VIII of 1865 ... 63
may assume management of estate in Cuttack, Pooree, and Balasore, if proprietor objects to settlement, s 2, X of 1867 147
may construct ways on island thrown up in navigable river, s. 6, IV of 1868 152
definition of, in Bengal Act VII of 1868 155
may be empowered to serve notice of arrears of demand, s. 6, VII of 1868 ... ... 157, 158
sale of tenures by, for arrears of revenue, ss. 11, 12, VII of 1868 ... 159
to make certificate of arrears of revenue and demand, ss. 16, 18, 19, VII of 1868 161
to give notice, on filing certificate, s. 21, VII of 1868 161
may set aside, modify, or vary certificate, and direct payment of costs, s 22, VII of 1868 162
appeal from, to Commissioner, with reference to certificates under Bengal Act VII of 1868 162
to keep book of certificates, s. 25, VII of 1868 163
to enter satisfaction on certificate, s. 27, VII of 1868 163
definition of, in Rent Act, s. 1, VIII of 1869 180
notice of enhancement of rent to be served by order of, s. 14, VIII of 1869 183
proceedings and powers of, on measurement of land, ss. 38, 39, 40, VIII of 1869 ... 190, 191
jurisdiction of, in rent suits, to cease, s. 108, VIII of 1869 207
to approve assessment and transfer chowkeedaree chakran lands to zemindar, s. 50, VI of 1870 ... 280
to conduct sale of chowkeedaree chakran lands, ss. 55, 56, VI of 1870 ... 281

COLLECTOR—(*contd.*)
may serve notice of apportionment under Hooghly and Burdwan Drainage Act, s. 28, V of 1871 ... 307
order of, under Hooghly and Burdwan Drainage Act appealable to Commissioner, s. 29, V of 1871 ... 307
cost of maintenance of Hooghly and Burdwan Drainage works to be paid to, s. 39, V of 1871 310
definition of, in Road Cess Act, s. 3, X of 1871 327
definition of, in Embankment Act, s. 3, VI of 1873 383
definition of, in Survey Act, s 2, IV of 1875 481
definition of, in Irrigation Act, s. 3, III of 1876 516
definition of, in Agrarian Disputes Act. s. 2, VI of 1876 751
definition of, in Partition Act, s. 4, VIII of 1876 801
definition of, in Excise Act, s. 4, VII of 1878 873

COLLECTOR OF CUSTOMS—
on application of Port Commissioners, to distrain vessel for non-payment of Port Commissioners' dues, s. 74, V of 1870 261

COLLECTOR OF TAXES—
of Calcutta Corporation, appointment, removal, and salary of, ss. 32, 35, IV of 1876 ... ... 550, 556

COMMISSION—
on chowkeedaree chakran lands, powers and duties of, ss. 58, 61, VI of 1870 282
to enquire into conservancy of Calcutta, s. 28, IV of 1876 ... 555

COMMISSIONER OF EXCISE—
appointment of, s. 33, VII of 1878 ... 880

COMMISSIONER OF POLICE—
powers of, in Calcutta and Suburbs, see POLICE.
may be Chairman of Calcutta Corporation, s. 33, IV of 1876 ... 557
registering officer of hackney carriages to be under control of, s. 2, V of 1866 116
to grant licenses for letting off rockets and sending up fire balloons, s. 19, II of 1872 364
to grant licenses for the sale and manufacture of fire-works, s. 20, II of 1872 364
to countersign license of recruiter, and may withdraw it, s. 40, VII of 1873 439
certain excise powers conferred upon Collector may be exercised by, in report of seizure or arrest by police officer in Calcutta under Excise Act to be made to, s. 45, VII of 1878 ... 883
to inform Collector of seizure or arrest under Excise Act, s. 45, VII of 1878 883

COMMISSIONER OF THE DIVISION—
powers of, with reference to zemindary dáks, ss. 5, 7. VIII of 1862 ... 19
to be Court of Wards, s. 8, IV of 1870 216
appeal to, against apportionment under Hooghly and Burdwan Drainage Act, s 26, V of 1871 306, 307
powers for taking evidence under Hooghly and Burdwan Drainage Act, s. 42, V of 1871 ... 310
appeal to, against order of Collector under Hooghly and Burdwan Drainage Act, s 29. V of 1871 ... 307
appeal to, against Collector's valuation and order for levy of fine under Road Cess Act, ss. 18, 19, X of 1871 332
correspondence between district road cess committee and local Government to pass through, s. 62, X of 1871 342
may revise estimate of district road cess committee, s. 71, X of 1871 ... 344
to give orders when works under Embankment Act are in different districts or in different divisions, s. 9, VI of 1873 385
appeal to, from Collector. under Embankment Act, s. 59, VI of 1873 399
general control of, under Embankment Act, s. 62, VI of 1873 ... 399
general control of, under Survey Act, s. 58, IV of 1875 500
Government may restrict functions of, under Survey Act, s. 58, IV of 1875 500
appeal to, from Collector's decision as to compensation for damage done by Canal Officer, s. 38, III of 1876 526
control of, under Irrigation Act, s. 91, III of 1876 538
to sanction municipal estimate or forward it to the Lieutenant-Governor, s. 67, V of 1876 671
may convene committee to enquire into state of Mofussil municipality, s. 318, V of 1876 729
may direct Magistrate to revise assessment of union, s. 337, V of 1876 ... 733
to forward report of Collector under Agrarian Disputes Act, to Board of Revenue with his own opinion, s. 9, VI of 1876 753
general control of, under Agrarian Disputes Act, s. 24, VI of 1876 ... 757
appeal to, under Agrarian Disputes Act, ss. 29, 30, VI of 1876 ... 758
case to be reported to, when fine under Land Registration Act exceeds of 1876 ... 772
and Registration 1876, ... 791

COMMISSIONER OF THE DIVN.—(*contd.*)
may quash partition proceedings, s. 36, VIII of 1876 812
to sanction partition establishment, s. 37, VIII of 1876 812
may appoint special partition establishments, s. 38, VIII of 1876 ... 813
may direct cost of partition in excess of share to be levied from proprietor, s. 40, VIII of 1876 813
partition papers to be forwarded to, s. 86, VIII of 1876 825
powers of, with reference to partition, ss. 118, 120, VIII of 1876 ... 835
application for union of two estates to be reported to, s. 130, VIII of 1876 838
fine under Partition Act exceeding Rs. 500, to be reported to, s. 137, VIII of 1876 840
appeal to, under Partition Act, s. 143, VIII of 1876 841
may make orders as to costs on appeal in partition cases, s. 147, VIII of 1876 844
powers of, under Excise Act, s. 31, VII of 1878 880
appeal to, under Excise Act, s. 85, VII of 1878 890

COMMISSIONERS—
for making improvements in the port of Calcutta, see PORT COMMISSIONERS.
under Hooghly and Burdwan Drainage Act, see HOOGHLY AND BURDWAN DRAINAGE.
of Calcutta Municipality, see COMMISSIONERS OF CALCUTTA MUNICIPALITY.
of Mofussil Municipalities, see COMMISSIONERS OF MOFUSSIL MUNICIPALITIES.
of stations, see STATIONS.

COMMISSIONERS OF CALCUTTA MUNICIPALITY—
to consist of 72 members, s. 4, IV of 1876 548
to be a body corporate, s. 4, IV of 1876 548
property vested in Justices to become vested in, s. 5, IV of 1876 ... 548
number to be appointed by Government, s 6, IV of 1876... ... 548
number to be elected, s. 7, IV of 1876 548
Chairman and Vice-Chairman qualified for election, s. 11, IV of 1876 ... 549
number to be elected in different wards, s. 13, IV of 1876 ... 550
Chairman may give additional vote in case of equality of votes, s. 16, IV of 1876 551
time and manner of election of, s. 17, IV of 1876... 551
Chairman to register voters and persons qualified for election, s. 18, IV of 1876 551
term for which they are appointed or elected, s. 22, IV of 1876 ... 553
disqualification of, s. 23. IV of 1876 553
duties of, s. 27, IV of 1876 ... 555
powers of local Government, if they fail in their duty, ss. 28, 29, IV of 1876 ... ... 555, 556
Chairman and Vice-Chairman of, ss. 30, 31, IV of 1876 556
may appoint Secretary, Engineer, Surveyor, Health Officer, &c., s. 32, IV of 1876 556
duties of Chairman and Vice-Chairman, s. 33, IV of 1876... 557
Chairman may be Commissioner of Police and Member of Bengal Council, s. 33, IV of 1876 557
allowances of Chairman and Vice-Chairman, s. 34, IV of 1876 ... 557
allowances of Secretary, Engineer, etc., s. 35, IV of 1876 558
Chairman may appoint overseers, clerks, etc, s. 36, IV of 1876 .. 558
may grant leave of absence to Chairman, s. 37, IV of 1876 ... 558
may grant allowance to Chairman during absence on leave, s. 38, IV of 1876 559
may make rules for pensions and gratuities to their servants, s. 39, IV of 1876 559
Chairman, Vice-Chairman, or officer not to be interested in contract made with, s. 40, IV of 1876 ... 559
to provide an office and keep book of entry for complaints, s. 42, IV of 1876 560
meetings of, s. 43, IV of 1876 ... 560
business at meetings, s. 44, IV of 1876 560
special and general meetings, s. 45, IV of 1876... 561
questions at meetings to be decided by a majority of votes, s. 47, IV of 1876 561
Chairman and Vice-Chairman to attend all meetings, s 48, IV of 1876 ... 561
may choose President in the absence of Chairman and Vice-Chairman, s. 48, IV of 1876... 561
President may adjourn meeting, s. 48, IV of 1876 561
quorum of, s. 49, IV of 1876 ... 562
minutes of proceedings of meetings, s 50, IV of 1876 562
evidence of resolution at meeting, s. 51, IV of 1876 562
poll how to be taken, s. 52, IV of 1876 562
attendance and powers of Chairman and Vice-Chairman, s. 53, IV of 1876 563
execution of contracts made by, s. 54, IV of 1876... 563
may compound in respect of contract, s. 54, IV of 1876 563
may appoint committees, s. 55, IV of 1876 563
Chairman or Vice-Chairman to be a member of every committee, s. 55, IV of 1876 564
budget of income and expenditure to be submitted to, s. 56, IV of 1876 ... 564
may sanction expenditure not provided for in budget, s. 57, IV of 1876 564
may revise estimates, s. 58, IV of 1876 564

COMMISSIONERS OF CALCUTTA MUNICIPALITY—(*contd.*)
accounts to be audited and examined, s. 59, IV of 1876 564
may grant remuneration to auditors, s. 62, IV of 1876 565
to give notice of audit of accounts, s. 63, IV of 1876 565
to fix rates at quarterly meeting in October, s. 64, IV of 1876 ... 566
may remit portion of tax for carriages or animals, s. 66, IV of 1876 ... 567
to grant licenses to keep carriages and animals, s. 67, IV of 1876 ... 567
may compound for tax with livery stable-keepers, s. 69, IV of 1876 ... 567
may require livery stable-keepers to produce books, s. 71, IV of 1876 ... 567
may inspect stable or coach-house, s. 72, IV of 1876 567
may summon persons liable to carriage and animal tax, s. 72, IV of 1876... 588
to prepare list of persons licensed to keep carriages or animals, s. 74, IV of 1876 568
may remit portion of tax on professions, s. 75, IV of 1876 568
to grant license to exercise profession, s. 76, IV of 1876 568
Chairman to determine classes for licenses for tax on professions, s. 78, IV of 1876 569
appeal against assessment of tax on professions to not less than three Commissioners, s. 79, IV of 1876 ... 569
may require occupier of house to forward list of persons residing in house and their profession, s. 80, IV of 1876 569
Chairman to prepare list of persons licensed to exercise professions, s. 82, IV of 1876 569
may remit portion of fee for registration of carts, s. 85, IV of 1876 ... 570
to pay certain portion of proceeds of fees for registration of carts to municipalities of Suburbs and Howrah, s. 85, IV of 1876 ... 570
to impose house-rate, water-rate, police-rate, lighting-rate, and drainage-rate, s. 88, IV of 1876 ... 571
to refund water-rate when house is vacant, s. 93, IV of 1876 ... 572
to refund police and lighting-rates when house is vacant, s. 94, IV of 1876 573
in certain cases may impose water, police, and lighting-rates on the owner of the house, s. 100, IV of 1876 574
may cause house to be re-assessed, ss. 106, 107, IV of 1876 575, 576
to make valuation of houses and land, s. 109, IV of 1876 576
may require owner or occupier of house to give returns of measurement and rent, s. 110, IV of 1876 ... 577
to give public notice of valuation and measurement, s. 112, IV of 1876 ... 577
to give special notice when valuation is increased, s. 113, IV of 1876 ... 577
appeal against assessment to, s. 114, IV of 1876 578
to give notice of day for hearing appeals against assessment, s. 116, IV of 1876 578
Chairman or Vice-Chairman may amend assessment book, s. 119, IV of 1876 579
may adopt valuation contained in old assessment book, s. 120, IV of 1876 579
to cause bills to be presented, s. 121, IV of 1876 579
may cause notice of demand to be served, if bill is not paid, s. 122, IV of 1876 580
may sell moveable property of defaulter, s. 124, IV of 1876 580
may demand rate from occupier, s 126, IV of 1876 581
may proceed by suit instead of by distress and sale, s. 128, IV of 1876 ... 581
to provide water-supply, s. 129, IV of 1876 581
to maintain a certain pressure of water, s. 131, IV of 1876 ... 582
may supply water for business purposes, s. 132, IV of 1876 .. 582
not to make charge for unfiltered water, s. 133, IV of 1876 ... 582
may provide filtered or unfiltered water for latrines, s. 134, IV of 1876 583
may cut off supply of water to unoccupied house, s. 136, IV of 1876 ... 583
to approve communication-pipes for supply of water, ss. 136, 137, IV of 1876 583
may require cost of executing communication-pipes to be deposited, s. 137, IV of 1876 583
may turn off water from house if their officer is refused admittance, s. 138, IV of 1876... 583
may turn off water when pipes are out of repair, s. 139, IV of 1876 ... 584
may turn off water if rate is not paid, s. 140, IV of 1876 584
may allow person outside the town to take water, s. 143, IV of 1876 ... 585
may make rules as to plumbers' licenses, s. 144, IV of 1876 ... 585
may cancel plumbers' license, s. 144, IV of 1876 585
to fix rates for making connection with service-pipes, s. 147, IV of 1876 ... 586
tanks, reservoirs, &c., to become vested in, s. 158, IV of 1876 ... 588
may examine pipes of owner of gas-works, &c., s. 159, IV of 1876 ... 588
application of water-rate by, s. 160, IV of 1876... 589
Chairman to lay police budget before, s. 163, IV of 1876 589
to forward police budget to local Government, s. 163, IV of 1876 ... 589
to pay amount of police estimates to local Government, s. 165, IV of 1876 590
may carry out system of drainage, s. 167, IV of 1876 590
to keep register of births and deaths, s. 169, IV of 1876 590

COMMISSIONERS OF CALCUTTA MUNICIPALITY—(*contd.*)
to appoint sub-registrar at each burning ghât or burial ground, s. 169, IV of 1876 591
to prepare register books for births and deaths, s. 171, IV of 1876 ... 591
may take a census of Calcutta, s. 179, IV of 1876... 593
Chairman or Vice-Chairman to superintend taking of census, s. 180, IV of 1876 593
Chairman to select enumerators, s. 183, IV of 1876 593
Chairman to deliver census form to occupier of houses, s. 184, IV of 1876 593
Chairman to obtain returns of houseless persons, s. 187, IV of 1876 ... 594
public streets to vest in, s. 189, IV of 1876 595
may make new streets, bridges, &c., s. 190, IV of 1876 595
to cause public streets to be repaired, s. 191, IV of 1876 595
to cause public streets to be lighted, s. 192, IV of 1876 595
to provide receptacles for dirt, &c., s. 194, IV of 1876 595
to cause public streets to be cleansed, s. 198, IV of 1876 595
to cause chief public streets to be watered, s. 198, IV of 1876 ... 596
may remove obstructions and encroachments in public streets, s. 199, IV of 1876 596
may allow temporary erections in public streets on occasions of festivals and ceremonies, s. 199, IV of 1876 596
to approve level and width of new streets, s. 200, IV of 1876 ... 596
may require streets to be paved, &c., s. 202, IV of 1876 597
may cause names of streets to be put up, s. 204, IV of 1876 ... 598
may put up numbers of houses, s. 205, IV of 1876 598
may remove projections from houses, ss. 208, 209, IV of 1876 ... 598
may allow verandahs, balconies, &c., to be put up, s. 210, IV of 1876 . 599
may direct hedges and trees to be trimmed, s. 212, IV of 1876 ... 600
public sewers, drains, &c., vested in, s 215, IV of 1876 600
powers of, in making public sewers, s. 216, IV of 1876 601
to repair, alter, &c., sewers, s. 217, IV of 1876 601
to cause sewers to be cleared and emptied, s. 218, IV of 1876 ... 601
may cause sewers to be emptied into any tidal river, s. 218, IV of 1876 602
may make alteration in the bed of a river receiving sewerage, s. 219, IV of 1876 602
may cause branch drain to be demolished, &c., s. 220, IV of 1876 ... 602
may make drains from houses not properly drained, s 222, IV of 1876 ... 602
may construct drains under public street, s. 223, IV of 1876 ... 603
may cause drainage works to be supervised, s. 224. IV of 1876 . 603
may drain block of houses, s. 225, IV of 1876 603
may provide traps for private sewers, s. 226, IV of 1876 603
may affix to house pipes for ventilation of sewers, s. 227, IV of 1876 ... 603
may cause branch drain, privy or cesspool to be altered, &c., s. 228, IV of 1876 604
may alter branch drain, &c., made contrary to their orders, s. 229, IV of 1876 604
may inspect branch drain, privy, or cess-pool, s. 231, IV of 1876 ... 604
may appoint hours for removal of night soil, s. 235, IV of 1876 ... 606
to provide places for deposit of refuse, s. 237, IV of 1876 606
may sell and dispose of refuse, s. 239, IV of 1876 607
powers of, with reference to deserted houses, s 240, IV of 1876 ... 607
may provide common necessaries, s. 241, IV of 1876 607
may license public necessaries and tola mehters' depôts, s. 242, IV of 1876 607
may direct performance of tola mehters' duties by their own establishment, s. 244, IV of 1876 608
may permit continuance of privy with door opening on to street, s. 245, IV of 1876 608
may cause additional privies to be constructed, s. 246, IV of 1876 ... 609
may grant license to milkman, cartman, &c , s. 247, IV of 1876 ... 609
to restore street which has been broken up, and guard and light the place by night, s. 252, IV of 1876 ... 610
may require situation of water or gas works to be altered, s. 253, IV of 1876 610
to pay expenses of alteration of water or gas works, s. 253, IV of 1876 ... 610
in default of owner, may cause situation of water or gas works to be made, s. 254, IV of 1876 ... 610
may set apart bathing places, &c., s. 255, IV of 1876 611
may fill up tanks, &c., on private premises, s. 257, IV of 1876 .. 611
may fill up public tanks, &c., s. 259, IV of 1876 611
to provide proper drains, &c., in executing works, s. 260, IV of 1876 ... 611
to take precautions against accidents during repairs, s. 261, IV of 1876 612
to cause dangerous places to be protected, s. 262, IV of 1876 ... 612
may allow houses to be set forward, s. 264, IV of 1876 612
may require projecting house to be set back, s 265, IV of 1876 ... 612
to make compensation for damage to owner, s. 265, IV of 1876 ... 613

COMMISSIONERS OF CALCUTTA MUNICIPALITY—(*contd.*)
may pull down and sell house which is in a ruinous state, ss. 266, 267, IV of 1876 613
to approve levels and width of foundation of new houses, ss. 268, 269, 270, IV of 1876 ... 613, 614
may pull down house erected over sewer or drain without their consent, s. 274, IV of 1876 615
may cause drain to be constructed from new house, s. 276, IV of 1876 615
may regulate the building of new huts, s. 277, IV of 1876 616
may pull down huts improperly erected, s. 278, IV of 1876 ... 616
may cause blocks of huts to be inspected, s. 280, IV of 1876 ... 616
may cause works to be carried out if owners of huts make default, ss. 281, 282, IV of 1876 ... 617
to cause materials of each hut to be sold separately, s. 283, IV of 1876 617
powers and duties of, when proceeding under orders of Government, s. 285, IV of 1876 618
may grant licenses for slaughter-houses, s. 287, IV of 1876 618
to pay fees for suburban slaughter-houses to Municipal Commissioners of the Suburbs, s. 287, IV of 1876 619
may provide places for slaughter-houses, s. 288, IV of 1876 ... 619
to pay Rs. 1,000 to Municipal Commissioners of Suburbs for Tengrah slaughter-house, s. 288, IV of 1876 619
may seize unwholesome articles of food or drink, s 292, IV of 1876 ... 620
may cancel license for slaughter-house, s. 293, IV of 1876 620
may seize noxious drugs, s. 296, IV of 1876 621
may grant license for offensive and dangerous trades, s. 298, IV of 1876 621
may order discontinuance of slaughter-house or offensive trade if it is a nuisance, s. 300, IV of 1876 ... 622
may cause survey to be made of burial and burning grounds, s. 302, IV of 1876 622
may grant license for making new vault or opening new burial or burning ground, s. 305, IV of 1876 623
may permit interment in churches, &c., s. 309, IV of 1876 ... 624
may provide burial and burning grounds, s. 310, IV of 1876 ... 624
may provide and charge rents for municipal markets, s. 311, IV of 1876 624
may acquire land, &c., for municipal markets, s. 313, IV of 1876 ... 624
may make bye-laws for municipal markets, s. 313, IV of 1876 ... 624
may expel persons disobeying bye-laws from municipal markets, s. 314, IV of 1876 625
may sell or lease municipal markets, s. 315, IV of 1876 625
may close municipal markets, s. 316, IV of 1876 625
may maintain municipal markets out of Municipal Fund and market fees, s. 317, IV of 1876 ... 625, 626
may grant licenses for private markets, s. 318, IV of 1876 626
may close unlicensed market, s. 320, IV of 1876 626
general powers of, with reference to private markets and bazars, s. 321, IV of 1876 ... ... 626, 627
may enter on premises for purposes of the Act, on giving 24 hours' notice to occupier, s. 323, IV of 1876 627, 628
may deposit building materials, &c., on lands adjacent to works, on giving 3 days' notice, s. 324, IV of 1876 628
powers of, when constructing aqueducts or drains outside the town, s. 325, IV of 1876 628
may purchase and sell land for the purposes of the Act, s. 327, IV of 1876 629
may take land on lease for the purposes of the Act, s. 328, IV of 1876 ... 629
may construct railway on public street, s. 330, IV of 1876 ... 629, 630
may allow carriages to run on railway, s. 331, IV of 1876 630
may lease railway, s. 332, IV of 1876 630
may enter into contract for construction of railway, s. 332, IV of 1876 630
may apply money for maintenance of hospitals, s. 333, IV of 1876 ... 630
may raise money on debentures, s. 334, IV of 1876 631
may raise money for payment of old debentures by issue of new debentures, s. 336, IV of 1876 ... 631
to set aside sums out of their yearly income, s. 337, IV of 1876 ... 631
may make bye-laws under the Act, ss. 340, 341, IV of 1876 632, 633
may direct prosecutions for public nuisances, s. 346, IV of 1876 ... 633
may sue defaulter instead of proceeding by distress and sale, s. 356, IV of 1876 636
limitation of suit against, s. 357, IV of 1876 636
may make compensation out of Municipal Fund for damage, s. 358, IV of 1876 637
may charge fee for certain licenses, s. 359, IV of 1876 637
may execute works and recover expenses, s. 365, IV of 1876 ... 638
may require payment of expenses from occupier, s. 366, IV of 1876 ... 638
may recover expenses on account of improvements to private property by quarterly instalments, s. 372, IV of 1876 640
powers of, with reference to jute warehouses, ss. 5—8, II of 1872 359, 360, 361
to organize fire-brigade, s. 15, II of 1872 362

COMMISSIONERS OF CALCUTTA MUNICIPALITY—(*contd.*)
may frame bye-laws for fire-brigade, s. 16, II of 1872 362
application of jute warehouse and fire-brigade fund by, s. 25, II of 1872 364, 365
Insurance Companies to pay contribution to, for expenses of fire-brigade, s. 26, II of 1872 365
Insurance Companies to make return to, of amount insured, s. 27, II of 1872 365
to certify cost of fire-brigade to Suburban Commissioners, s. 29, II of 1872 366
to make report to Lieutenant-Governor on the working of the Jute Warehouse and Fire-Brigade Act, s. 31, II of 1872 367
Chairman to grant trades' license in Calcutta, s. 6, I of 1878 ... 852
to levy tax on trades' licenses in Calcutta, s. 33, I of 1878 ... 858
Chairman to exercise powers of Collector under Bengal License Act, s. 34, I of 1878 858
petition of objection under Bengal License Act to be heard by Chairman or bench of three Commissioners, s. 35, I of 1878 858
recovery of license tax by, s. 36, I of 1878 859

COMMISSIONERS OF MOFUSSIL MUNICIPALITIES—
definition of, s. 6, V of 1876 ... 656
appointment of, s. 15, V of 1876 ... 658
not to be less than 7, or more than 30 in a first-class municipality, s. 15, V of 1876 659
not to be less than 4 or more than 20 in a second class municipality, s. 15, V of 1876 659
not more than one-fourth to be officials, s. 15, V of 1876 659
rules for election of, s. 16, V of 1876 659
who to be *ex-officio*, s. 17, V of 1876 ... 659
Lieutenant-Governor may appoint *ad-interim*, s. 18, V of 1876 ... 659
must be owners or occupiers of land, s. 19, V of 1876 660
resignation of, s. 20, V of 1876 ... 660
removal of, s. 21, V of 1876 ... 660
who neglect to attend meetings or are sentenced to imprisonment to vacate office, s. 22, V of 1876 ... 660
to vacate office every three years, s. 23, V of 1876 660
retirement of, by rotation, ss. 24, 27, V of 1876 ... ... 660, 661
re-appointment and re-election of, s. 28, V of 1876 661
Chairman of, s. 29, V of 1876 ... 661
Magistrate may delegate his powers as Chairman to Subordinate Magistrate, s. 29, V of 1876 662
election and removal of Vice-Chairman, s. 30, V of 1876 662
to be a body corporate, s. 31, V of 1876 662
public roads, bridges, &c., to vest in, s. 32, V of 1876 662
may take over private road, bridge, &c., s. 33, V of 1876 663
public hospitals, schools, &c., to be vested in, s. 34, V of 1876 ... 663
transfer of public hospitals, schools, &c., not to be made if Commissioners object, s. 35, V of 1876 ... 663
may purchase, rent, sell, or let land, s. 36, V of 1876 664
may acquire land under Land Acquisition Act, ss. 37, 38, V of 1876 ... 664
may enter into contract, s. 39, V of 1876 664
execution of contract made by, s. 39, V of 1876 664
meetings of, ss. 40, 41, V of 1876 664, 665
Chairman or Vice-Chairman to call special meeting, s. 41, V of 1876 ... 665
Chairman or Vice-Chairman to preside at meeting, s. 42, V of 1876 ... 665
quorum of, at meeting, s. 44, V of 1876 665
powers of Chairman, s. 46, V of 1876 665
Chairman may delegate his duties to Vice-Chairman, s. 47, V of 1876 ... 666
may appoint overseers, clerks, etc., s. 48, V of 1876 666
may take security from Collectors of municipal taxes, s. 49, V of 1876 ... 666
may appoint or cause to be elected, Ward Committees, s. 50, V of 1876 666
may make rules for election of Ward Committees, s. 51, V of 1876 ... 667
may delegate powers to Ward Committee, s. 53, V of 1876 ... 667
to sanction establishments of Ward Committees, s 54, V of 1876 ... 667
to settle questions regarding removal, resignation, and appointment of members of Ward Committees, s. 55, V of 1876 667
not to be personally liable for contracts, s. 56, V of 1876 ... 667
liable for wilful misapplication of money entrusted to them, s. 56, V of 1876 667
interested in contract made with, to vacate office, s. 57, V of 1876 ... 668
not to vote on questions which regard themselves or their own property, s. 58, V of 1876 668
to set apart certain sums out of the Municipal Fund, s. 60, V of 1876 668
may apply the Municipal Fund to what purposes, s. 61, V of 1876 ... 669
may contribute portion of Municipal Fund towards expenses incurred in other Municipalities, s. 62, V of 1876 670
to prepare estimates of income and expenditure, s. 64, V of 1876 ... 670
Chairman to transmit estimates to Magistrate, s. 66, V of 1876 ... 671
may revise estimate of expenditure, s. 68, V of 1876 671
may authorize expenditure of sum provided in estimates, s. 69, V of 1876 671
may not authorize expenditure in excess of estimate, s. 71, V of 1876 ... 672

COMMISSIONERS OF MOFUSSIL MUNICIPALITIES—(*contd.*)
may recommend transfer of allotment to Commissioner of the division, s. 71, V of 1876 672
to furnish annual report of proceedings, etc., to Lieutenant-Governor, s. 72, V of 1876 672
to pay sums required for expense of clerks in offices of Magistrate and Commissioner, s. 74, V of 1876 ... 672
may invest moneys not required for immediate use, s. 75, V of 1876 ... 673
Chairman or Vice-Chairman to sign orders for payment of sum below a certain amount, s. 76, V of 1876 673
may impose tax upon persons or rate upon holdings, s. 77, V of 1876 ... 673
may levy tax on carriages and animals, fees on registration of carts, and tolls on ferries, s. 78, V of 1876 674
to prepare assessment list, s. 79, V of 1876 674
may exempt poor persons from assessment, s. 83, V of 1876 676
may alter assessment, s. 85, V of 1876 676
may substitute name of new occupier in assessment list, s. 86, V of 1876 676
to determine valuation of holdings, s. 88, V of 1876 676
may revise valuation of holdings, s. 89, V of 1876 677
may require returns of rent or annual value of holdings, s. 91, V of 1876 677
to determine percentage on the valuation of holdings at which rate is to be levied, s. 93, V of 1876 ... 677
to prepare valuation and rating list, s. 94, V of 1876 678
may impose consolidated rate on house and land, s. 95, V of 1876 ... 678
may reduce the rate in cases of excessive hardship, s. 97, V of 1876... 679
may revise valuation and rating list, s. 99, V of 1876 679
may substitute name in valuation and rating list, s. 100, V of 1876 ... 679
to remit or refund rate when holding is vacant, s. 101, V of 1876 ... 679
to declare at what hours office shall be open for the receipt of money, s. 108, V of 1876. 681
to serve bill and notice of demand, s. 111, V of 1876 681
to issue warrant of distress and sale, s. 113, V of 1876 682
to keep account of distresses and sales, s. 117, V of 1876 683
may sue defaulter instead of proceeding by distress and sale, s. 120, V of 1876 684
may strike irrecoverable taxes off the books, s. 121, V of 1876 ... 684
may order carriages, horses, and animals to be taxed, s. 122, V of 1876 684
on receipt of tax to give a license for carriage, etc., s. 126, V of 1876 ... 685
may compound with livery stable-keeper for tax, s. 129, V of 1876 ... 686
to prepare list of persons licensed, s. 130, V of 1876 686
may inspect stable or coach-house, etc., s. 131, V of 1876 686
may summon person liable to pay tax for carriages, etc., s. 131, V of 1876 686
may refund tax for carriages, etc., s. 132, V of 1876 686
may order registration of carts, s. 133, V of 1876 687
may order seizure and sale of unregistered carts, s. 138, V of 1876 ... 668
may declare ferry to be a municipal ferry, s. 140, V of 1876 ... 689
to maintain municipal ferry, s. 141, V of 1876 689
may specify rates of tolls at ferries, s. 142, V. of 1876 689
on cancelment of ferry lease, may take possession of boats, etc., s. 144, V of 1876 689
Lieutenant-Governor may make over toll-bar to, s. 148, V of 1876 ... 690
may establish toll-bar, and levy tolls on bridge or road, s. 149, V of 1876. 691
to publish expenses relating to toll-bars, s. 150, V of 1876 ... 691
if toll is not paid, may order seizure and sale of vehicle or animal, s. 154, V of 1876 692
may grant a lease of municipal ferry, s. 155, V of 1876 692
may compound for ferry tolls, s. 158, V of 1876 693
may grant exemptions from toll, s. 159, V of 1876 693
may be appointed to collect tolls in a navigable channel, s. 162, V of 1876 694
police estimate to be presented to, s 167, V of 1876 695
to have police estimate translated, s. 169, V of 1876 695
to transmit police estimate to Magistrate, s. 170, V of 1876 ... 695
to pay expenses of police monthly, s. 173, V of 1876 696
may execute work if person required makes default, s. 184, V of 1876 ... 699
may apportion expenses of work among owners and occupiers, ss. 185, 186, V of 1876 699
to provide for removal of offensive matter and rubbish, s. 193, V of 1876 701
may appoint hours for removal of offensive matter, s. 194, V of 1876. 701
may appoint hours for placing rubbish on public road, s. 196, V of 1876 ... 701
drains, etc., to be under control of, s. 199, V of 1876 702
may inspect drains, etc., s. 200, V of 1876 702
may provide privies and urinals, s. 201, V of 1876 702
may require removal of noxious vegetation, etc., s. 204, V of 1876 ... 703
may dispose of rubbish and offensive matter, s. 206, V of 1876 ... 703
public sewers, etc., to be under control of, s. 207, V of 1876 703

COMMISSIONERS OF MOFUSSIL MUNICIPALITIES—(*contd.*)
public streams, channels, etc., to be under control of, s. 208, V of 1876. 703
may set apart tanks, etc., for drinking or bathing, s. 209, V of 1876 ... 703
may require private tank to be drained, s. 211, V of 1876 703
may close road temporarily, s. 213, V of 1876 704
to cause barriers to be erected when road is repaired, s. 213, V of 1876. 704
may remove obstruction on road, ss. 215, 217, V of 1876 ... 705
may remove projection in front of house, s 218, V of 1876 ... 705
may require house to be set back, s. 221, V of 1876 706
may require hedges and trees bordering on road to be trimmed, s. 222, V of 1876 707
may protect dangerous place, s. 224, V of 1876 707
may order repair or removal of house in a ruinous state, s. 226, V of 1876 707
may take possession of unoccupied house which they have repaired, s. 228, V of 1876 708
may sell materials of houses pulled down, s. 229, V of 1876 ... 708
may order stray dogs to be destroyed, s. 230, V of 1876 708
may offer rewards for destruction of wild animals, s. 231, V of 1876 ... 708
may name roads and number houses, s. 232, V of 1876 708
may require repair of drain, etc., s. 235, V of 1876 710
may require privy to be enclosed, s. 238, V of 1876 711
may demolish or alter branch-drain, s 240, V of 1876 711
may require owner to drain land, s. 242, V of 1866 712
may drain group or block of houses by a combined operation, s. 243, V of 1876 712
may alter drain made contrary to their orders, s 244, V of 1876 ... 712
may require removal of latrine constructed within 50 feet of public tank, s. 246, V of 1876 ... 713
may require removal of privy with a door opening on to drain, s. 247, V of 1876 713
may prohibit the making of excavation, s. 249, V of 1876 713
may remove projection in front of house, s. 251, V of 1876 ... 714
to make compensation for damage caused by removal of projection, s. 251, V of 1876 714
may grant permission to deposit moveable property on road, s. 253, V of 1876 714
may order roofs and walls of huts not to be of inflammable materials, s. 256, V of 1876 715
notice of building of new house to be given to, s. 257, V of 1876 ... 715
to approve of levels and width of foundation of new house, s. 258, V of 1876 715
huts not to be erected without notice to, s. 261, V of 1876 716
may order removal of huts built without notice, s. 262, V of 1876 ... 716
may require improvements to blocks of huts, s. 265, V of 1876 ... 717
may recover expenses of improvements to blocks of huts by instalments, s. 266, V of 1876 717
may cause materials of huts to be sold, s. 267, V of 1876 717
may order market or slaughter-house to be drained and paved, s. 271, V of 1876 718
may seize unwholesome articles of food or drink exposed for sale, s. 274, V of 1876 719
may seize adulterated drug, s. 277, V of 1876 720
may close burial or burning ground, s. 280, V of 1876 720
may grant special permission for corpse to be buried or burnt in unregistered place, s. 281, V of 1876 721
may provide burial and burning grounds, s. 283, V of 1876 ... 721
may provide for the burial and burning of paupers free of charge, s. 284, V of 1876 721
may grant license for offensive or dangerous trades, s. 285, V of 1876 ... 722
may order offensive or dangerous trade to be discontinued if a nuisance, s. 287, V of 1876 ... 722
may grant license to milkman, etc., s. 289, V of 1876 723
may charge annual fee for keeping of pig-stye, s. 292, V of 1876 ... 723
may cancel certain licenses, s. 294, V of 1876 724
may be required by Government to appoint sub-registrar for corpse buried or burnt, s. 296, V of 1876 .. 724
may provide land for municipal markets, s. 300, V of 1876 ... 725
may probibit use of unliconsed markets, s. 303, V of 1876 ... 726
may grant annual license for markets, s. 305, V of 1876 726
Chairman to grant certificate that land is fit to be used as a market, s. 305, V of 1876 726
may make bye-laws, s. 313, V of 1876 727
may declare penalties for breach of bye-laws, s. 315, V of 1876 ... 728
may direct prosecution for public nuisance, s. 316, V of 1876 ... 728
municipal prosecution not to be instituted without consent of, s. 317, V of 1876 728
powers of Government, if they fail to do certain things, s. 318, V of 1876 729
may be required to furnish return of persons chargeable under Bengal License Act, s. 27, I of 1878 ... 857

COMMISSIONERS OF MOFUSSIL MUNICIPALITIES—(*contd.*)
powers of, under Bengal License Act, s. 29, I of 1878 857
petition of objection under Bengal License Act to be referred to a bench of three Commissioners, s. 27, I of 1878 857
recovery of fees by, under Bengal License Act, s. 30, I of 1878 ... 857
may appropriate municipal revenues for payment of sums due to Government under Bengal License Act, s. 30, I of 1878 857
to make suitable provision for cleansing of latrines, s. 2, VI of 1878 ... 866
may levy fees for cleansing of latrines, s. 3, VI of 1878 866
may levy latrine fees from owner of holding, s 5, VI of 1878 ... 867
may compound with occupier or owner for latrine fees, s, 7, VI of 1878 ... 867
may levy a rate per head for maintenance of latrine establishment, s. 8, VI of 1878 867
may reduce amount of latrine fee, s. 9, VI of 1878 867
may require nightmen to take out licenses, s. 13, VI of 1878 ... 868
may make rules to define duties of nightmen, s. 13, VI of 1878 ... 868
may construct latrine, s. 14, VI of 1878 868
may require list of persons residing in a holding, s. 15, VI of 1878 ... 868

COMMITTEE—
appointment of, by Port Commissioners, s. 17, V of 1870 ... 243
to enquire into healthiness of estate, s. 118, VII of 1873 460
Calcutta Corporation may appoint, s. 55, IV of 1876 563
Commissioners may convene to inquire into state of mofussil municipality, s. 318, V of 1876 729
payment of trades' license tax by, s. 26, I of 1878 856

COMMON GAMING-HOUSE—
definition of, s. 51, II of 1866, s. 3, IV of 1866 ... ...84, 92
penalty for keeping or playing in, entry and search of, etc., ss. 25—31, II of 1866, *and* ss. 44—51, IV of 1866 ...76, 77, 101, 102
definition of, in Gambling Act, s. 1, II of 1867 ... ... 133, 134
penalty for owning or keeping or having charge of, s. 3, II of 1867 ... 135
penalty for being found in, for the purpose of gaming, s. 4, II of 1867 135
power to Magistrate to enter and authorize Police to enter and search, s. 5, II of 1867 ... 135, 136
evidence of house being used as, s. 6, II of 1867 136
penalty on person arrested in giving false name and address, s. 7, II of 1867 136
instruments of gaming found in, may be destroyed, s. 8, II of 1867 136, 137
proof of playing for stakes unnecessary, s. 9, II of 1867 137
Gambling Act not to apply to games of mere skill, s. 10, II of 1867 ... 137
See POLICE.

COMMON NECESSARIES—
maintenance and license of, by municipal authorities, ss. 241, 242, IV of 1876 607

COMMUTATION—
of conditions and services in Chota Nagpore tenures, s. 9, II of 1869 169
to transmit police budget to Calcutta Corporation, s. 161, IV of 1876 ... 589
may prepare supplemental police budget, s. 164, IV of 1876 ... 589

COMPANY—
shareholder in company which enters into contract with Port Commissioners not disqualified from being a Port Commissioner, s. 13, V of 1870 242
shareholder in company which enters into contract with district road cess committee not disqualified from being member or officer of committee, s. 65, X of 1871 343
entitled to one vote at Calcutta municipal election, s. 10, IV of 1876 ... 549

COMPENSATION—
to defendant in rent suit, s. 3, VI of 1862, *and* s. 45, VIII of 1869 10, 192
for annoyance or injury under Salt Act, s. 40, VII of 1864 50
for loss sustained in consequence of ferry being declared public, s. 4, I of 1866 66
to owner of hackney carriage, s. 34, V of 1866 126
to driver of hackney carriage, s. 36, V of 1866 126
for frivolous complaints under Hackney Carriage and Palankeen Act, s. 52, V of 1866 131
to proprietor, for loss on annulment of revenue sale, s. 2, VII of 1868 ... 157
for land acquired by Port Commissioners, s. 38, V of 1870 ... 248
not to be given for injury sustained by obstruction to navigation caused by Howrah Bridge, s. 28, IX of 1871... 320
for damage done in altering gas-work, to be paid by Municipal Commissioners of Howrah, s. 11, V of 1873 378
for crops and trees on land taken under Embankment Act, s. 13, VI of 1873 386
for injury caused through works done under Embankment Act, s. 15, VI of 1873 387
for land taken under Embankment Act, ss. 29, 33, VI of 1873 390, 391
to emigrant who has suffered ill-treatment or is unfit to proceed on journey, s. 29, VII of 1873 ... 436

COMPENSATION—(*contd.*)
to emigrant who has not been provided with food, lodging, &c., ss. 54, 55, VII of 1873 442, 443
for wrongful arrest of laborer, s. 122, VII of 1873 463
may be awarded with arrears of laborer's wages, s. 134, VII of 1873 465
to laborer on cancellation of contract, s. 135, VII of 1875 466
for trees, jungle, fences, or crops removed under Survey Act, s. IV of 1875 484
for water taken for irrigation purposes, s. 11, III of 1876... ... 519
may be awarded for loss of tolls lawfully levied, s. 11, III of 1876 ... 519
for loss of drinking-water, s. 12, III of 1876 520
determination of, under Irrigation Act, ss. 14, 20, III of 1876 520, 521
apportionment of, under Irrigation Act, ss. 22, 23, 24, III of 1876 ... 522
not claimable in respect of works executed before Irrigation Act came into force, s. 31, III of 1876 ... 524
interest on, under Irrigation Act, s. 30, III of 1876 524
for damage done in execution of works for canal or flood embankment, s. 37, III of 1876 525
for loss caused by removal of obstruction or construction of drainage-work, s. 44, III of 1876 ... 527
when claimable for interruption of supply of water from canal, s. 76, III of 1876 ... 534, 535
for removal of projection, &c., in front of house, s 209, IV of 1876 ... 599
for damage done in making public sewer, s. 216, IV of 1876 ... 601
for damage done to house set back towards line of street, s. 265, IV of 1876 613
if drug removed from shop is not adulterated, s. 296, IV of 1876, *and* s. 277, V of 1876 621
for occupation of, or damage to, land on which building materials are deposited, s. 324, IV of 1876 ... 626
for loss sustained in consequence of private ferry being declared municipal ferry, s. 140, V of 1876 ... 689
for loss of profits sustained by farmer when municipality ceases to levy tolls on navigable channel, s. 163, V of 1876 694
under Chapter II of Bengal Municipal Act, to be determined by Civil Court, s. 190, V of 1876 700
for land taken for drainage in Mofussil municipality, s. 211, V of 1876 ... 704
not to be given for removal of wall, fence, &c., by Mofussil municipal authorities, s. 215, V of 1876 ... 705
not to be given for removal of projection, etc., in front of house in Mofussil municipality, s. 218, V of 1876 706
for removal of obstruction, &c, erected before Mofussil Municipal Acts came into force, s. 251, V of 1876 ... 71[illegible]
out of Municipal Union, or Station Fund, s. 373, V of 1876 ... 741
for attendance of proprietor on Deputy Collector to settle partition, s. 73, VIII of 1876 821
to proprietor who has been dispossessed by an order of Court after completion of partition, s. 117, VIII of 1876 ... ... 83[illegible]
for loss sustained by farmer of excise revenue on cancelment of lease, s. 24, VII of 1878 878
to persons subjected to annoyance or injury by excise proceedings, s. 77, VII of 1878 ... 889
for lands taken for embankments in Orissa and the Sunderbuns, s. 1, VII of 1866 903

COMPLAINT—
of laborer, proceedings on, ss. 129, 133, VII of 1873 465

CONFINEMENT IN IRONS—
not to exceed one month in first offence, and six months in second, s. 4, V of 1865 57
not to be inflicted on female prisoner or prisoner in civil jail, s. 4, V of 1865 57
may be inflicted on prisoner sentenced to rigorous imprisonment, s. 5, V of 1865 57
but circumstances are to be reported to Inspector of Jails, s. 5, V of 1865 57
of prisoner convicted of attempting to escape, s. 6, V of 1865... 57

CONFISCATION—
of salt and materials and implements used in manufacture of salt, s. 6, VII of 1864 43
of contraband salt, s. 16, VII of 1864 44
of salt in excess of quantity specified in rowannah, s. 17, VII of 1864 ... 45
of salt conveyed otherwise than as specified in rowannah, s. 18, VII of 1864 45
of salt brought within a certain limit without special rowannah, s. 19, VII of 1864 45
adjudication of, of salt, s. 29, VII of 1864 ... ...47, 48
of inflammable oil, ss. 13, 15, III of 1865 53
of exciseable articles, s. 75, VII of 1878 889

CONSERVANCY—
of Calcutta, may be provided for by Government in default of Corporation, ss. 28, 29, IV of 1876 555, 556

CONSERVATOR—
Port Commissioners not to be answerable for default of, s. 1, III of 1872 368

CONSERVATOR—(*contd.*)
definition of, in Bengal Act III of 1865, s. 1, III of 1865... ... 50
of port, may exempt vessel from maintaining full crew, s. 8, III of 1867 ... ... 139, 140
of port, may revoke such exemption, s. 4, III of 1867 140
of port, may allow vessels to remain afloat without crew, s. 5, III of 1867 140
of port, may lay down moorings without sanction of Port Commissioners, s. 56, V of 1870 253
of port, may be required by Port Commissioners to compel vessels to load and unload at their wharves, s. 62, V of 1870 255
of port, to aid Port Commissioners in removing inland vessel, s. 64, V of 1870 257
of port, to act under direction of Port Commissioners, with regard to buoys and moorings, s. 81, V of 1870 ... 263
of port, powers of, may be conferred on Port Commissioners, s. 95, V of 1870 266

CONSIGNEE—
of vessel, may be called on to raise wreck by Port Commissioners, s. 3, III of 1872 369

CONSTABLE, see POLICE, SPECIAL CONSTABLE.

CONSUMPTION OF SMOKE, see FURNACE.

CONTAGIOUS DISEASE—
hospital depôt for emigrants affected with, s 37, VII of 1873 ... 438
magistrate may detain vessel containing emigrants affected with, s. 75, VII of 1873 448

CONTEMPT OF COURT—
punishment of, under Excise Act, s. 73, VII of 1878 888

CONTRABAND SALT, see SALT.

CONTRACT—
between laborer and employer, see EMIGRATION TO LABOR DISTRICTS.
Port Commissioner interested in profits of contract made with Port Commissioners to vacate his office, s. 13, V of 1870 242
made with Port Commissioners, penalty on their officers for being interested in, s. 20, V of 1870 ... 244
Port Commissioners may enter into, but contract involving sum greater than Rs. 50,000 must receive Lieutenant-Governor's assent, s. 34, V of 1870 247
Port Commissioners may compound for claim arising out of, s. 36, V of 1870 248
of Port Commissioners, mode of executing, s. 37, V of 1870 ... 248
made with district road cess committee, penalty on member or officer of committee being interested in, s. 65, X of 1871 342
as to supply of canal water transferable with property, s. 76, III of 1876 535
made with Calcutta Corporation, penalty on officer of Corporation being interested in, s. 40, IV of 1876 ... 559
made with Calcutta Corporation, persons interested in, disqualified from being Commissioner, s. 23, IV of 1876 553
on behalf of Calcutta Corporation, execution of, s. 54 IV of 1876 ... 563
for passage of carriages, &c., over municipal railway, s. 331, IV of 1877 ... 630
for construction of municipal railway, s. 332, IV of 1876 630
on behalf of first and second class municipalities, execution of, s. 39, V of 1876 664
Commissioner or member of Ward Committee interested in, made with Municipality to vacate office and liable to fine, s. 57, V of 1876 668
Commissioners of Station may make, s. 359, V of 1876 738
liability of Commissioners of Station for, s. 360, V of 1876 738
not affected by, ss. 78—80, of Land Registration Act, s. 81, VII of 1876 790
with special condition as to revenue liability not to hold good in partition, s. 14, VIII of 1876 ... 805

CONTRACTOR—
definition of, s. 3, VII of 1873 ... 429
See EMIGRATION TO LABOR DISTRICTS.

CONTRIBUTION—
towards payment of excess charges for fire brigade by Calcutta Corporation and Commissioners of the Suburbs, s 29, II of 1872 ... 366
by Government towards maintenance of embankments in Schedule E of Embankment Act, s. 36, VI of 1873 ... 392
by one municipality to another, s. 62, V of 1876 670

CONVEYANCE—
executed by Collector in charge of ward, ss. 68, 73, IV of 1870 229, 231

CONVICTION—
penalty for second and subsequent, under Salt Act, s. 34, VII of 1864... 48
of laborer not to operate as a release from contract, s. 123, VII of 1873... 463

COPY—
of engineer's certificate to be delivered to engineer when original lost, s. 17, I of 1868 150
of certificate of arrear of revenue or demand, to be entered by Collector in a book, s. 25, VII of 1868 ... 163

COPY—(*contd*)
of Port Commissioners' accounts may be taken, s 53, V of 1870 ... 252
of extract from minute book of district road cess committee, s. 61, X of 1871 ... ... 341, 342
of abstract of emigrants' contract to be sent to superintendent, s. 24, VII of 1873 435
of emigrant's registration to be furnished to emigrant and sent to superintendent, ss. 45, 45, VII of 1873 440
of emigrant's registration and medical certificate to be shown to medical inspector, s. 53, VII of 1873 ... 442
of abstract of emigrants' contract to be sent to Magistrate of the district, s. 57, VII of 1873 443
of list of emigrants to be sent to Magistrate of the labor district, s. 68, VII of 1873 446
of returns made by employer of laborers, s. 100, VII of 1873 ... 454
employer of laborers may take, of Inspectors' report, s. 104, VII of 1873 456
of map may be prepared if agent of zemindar deposits expenses, s. 12, IV of 1875 486
of entry of Mahomedan marriage or divorce to be delivered to applicant for registration, s. 12, I of 1876 ... 505
of entry in register of Mahomedan marriages and divorces, fee for, s. 16, I of 1876 505
of entry in register of Mahomedan marriage and divorces to be sent monthly to Registrar of the district 507
of accounts of Calcutta Corporation, may be taken without fee, s 63, IV of 1876 565
of Calcutta municipal bye-law may be inspected without fee, s. 343, IV of 1876 633
of municipal accounts to be forwarded to the Magistrate of the district, s. 63, V of 1876 670
of order of Civil Court directing partition to be sent to Collector, s. 50, VIII of 1876 816
of entry in list to be given to zemindar or under-tenure holder, s. 25, VIII of 1878 899

COSTS—
in rent suits after payment into Court, ss. 7, 8, VI of 1862, *and* ss. 48, 49, VIII of 1869 11, 12, 193, 194
of action under Calcutta Police Act, s. 99, IV of 1866 112
of constructing ways on island, s. 7, IV of 1868 152
payment of, on application for modification of certificate, s. 22, VII of 1868 162
of inquiry by Collector under Land Registration Act, s. 54, VII of 1876 782
of inquiry by Court under Land Registration Act, s. 61, VII of 1876 784
of partition, apportionment of, s. 40, VIII of 1876 813
to be levied from proprietor responsible for delay or additional cost of partition, s. 113, VIII of 1876 ... 833
of collection of police assessment by headman of village, s. 13, VIII of 1878 897

COTTON—
definition of, s. 2, II of 1872 ... 358

COURT—
definition of, in Irrigation Act, s. 3, III of 1876 516
See CIVIL COURT.

COURT OF SESSION—
trials held before, declared valid, V of 1869 173

COURT OF WARDS—
definitions of Collector, Court, Estate, Disqualified Proprietor and Minor, s. 1, IV of 1870 213
estates of disqualified proprietors to be subject to superintendence of, s. 2, IV of 1870 ... 213, 214
estates of disqualified proprietors to be exempt from sale for arrears of revenue, s. 2, IV of 1870 ... 214
estates of joint proprietors, s. 3, IV of 1870 214
disqualified person acquiring estate not to become a ward of Court, except in certain cases, s. 4, IV of 1870 214
Board of Revenue may direct Court to take charge of acquired estate, s. 4, IV of 1870 214
arrears of revenue to be the first charge on such estates, s. 4, IV of 1870 215
to take charge of all property of ward, s. 5, IV of 1870 215
may refuse to admit disqualified proprietor to be a ward, s. 6, IV of 1870 215
may discharge estate from its further superintendence, s. 6, IV of 1870 ... 215
sale of estate of minor for arrears of revenue, s. 6, IV of 1870 ... 215
farm of estate of minor, s. 6, IV of 1870 215
exemption from sale only to apply to certain cases, s. 6, IV of 1870 ... 216
application of proceeds of farmed estate, s. 7, IV of 1870 ... 216
Commissioner of division to be, s. 216, IV of 1870 216
may manage estates by appointment of manager or by giving them in farm, s. 9, IV of 1870 ... 216
lease or farm not to be beyond certain term, s. 9, IV of 1872 ... 216
may give orders for management of estates or care of wards, s. 10, IV of 1870 216
powers of Collector, when estate of ward is situated within one district only, s. 11, IV of 1870 ... 217

COURT OF WARDS—(*contd*)
powers with regard to person of ward, when estate is situated within more than one district, but within the same division, s. 12, IV of 1870 .. 217
powers of Collectors, when estate is situated within more than one district, but in the same division, s. 13, IV of 1870 217
when estate is situated within two or more divisions, Board of Revenue to select Court, which is to have charge of person of ward, s. 14, IV of 1870 217
powers of Collector and Court with regard to property when estate is situated within two or more divisions, s. 15, IV of 1870 ... 217
Collector may search for and remove seals, accounts and papers, s. 16, IV of 1870 218
Collector to deliver inventory to Court, s. 17, IV of 1870 218
proceedings of Collector to be subject to revision of Court, s. 18, IV of 1870 218
appeal to Court from order of Collector, s. 18, IV of 1870 218
Collector to report disqualification of proprietor, s. 19, IV of 1870 ... 218
proceedings of Collector on death of proprietor whose heirs are disqualified, s. 20, IV of 1870. . 218, 219
enquiry by Court in case of female proprietor, s. 21, IV of 1870 ... 219
enquiry by Collector in case of minor, s. 22, IV of 1870 219
Collector may order production of minor under penalty, s. 23, IV of 1870 219
inquiry in case of lunatic not subject to High Court, s. 24, IV of 1870 219, 220
proceedings in case of proprietor found lunatic by High Court, s. 25, IV of 1870 220
proceedings in case of proprietor out of Bengal found lunatic by Civil Court, s. 26, IV of 1870 ... 220
proceedings in case of proprietor out of jurisdiction of High Court disqualified on the ground of some natural or acquired defect or infirmity, s. 27, IV of 1870... . ... 220, 221
proceedings in case of proprietor subject to jurisdiction of High Court disqualified on the ground of some natural or acquired defect or infirmity, s. 28, IV of 1870 221
Court to make on order declaring estate subject to Court, s 30, IV of 1870... 221
Collector to report particulars of estate and persons eligible as manager and guardian, s. 31, IV of 1870 ... 222
guardian appointed by will to be appointed by Court, unless Board of Revenue considers him unfit, s. 31, IV of 1870 222
Court to fix allowance for ward, s. 32, IV of 1870... 222
office of manager and guardian to be wholly distinct, s. 33, IV of 1870... 222
manager to have care of property, and guardians of person of ward, s. 34, IV of 1870 222
Court may appoint same person to be guardian and manager, s. 35, IV of 1870 222
manager and guardian to sign papers with their own name and seal, s. 36, IV of 1870 223
manager and guardian to deliver family seals of ward to Collector, s. 36, IV of 1870... 223
manager to be appointed by Court, subject to approbation of Board of Revenue, s 37, IV of 1870 .. 223
appointment of manager when ward has estates in more than one division, s. 37, IV of 1870... ... 223
manager to give security, but no security required if he is testamentary guardian, s 38, IV of 1870 ... 223
application of monies recovered from manager, s 40, IV of 1870 . . 223
establishment under manager to be fixed by Court, s. 41, IV of 1870 ... 223
managers, etc., deemed to be officers in pay of Government, s. 42, IV of 1870 223
manager, sub-manager and guardian to be public accountants, s. 42, IV of 1870 224
Court may remove manager and order him to account, s. 43, IV of 1870... 224
Collector may remove any officer appointed by himself, s. 43, IV of 1870 224
manager and guardian to continue liable to account to Court after removal, s. 44, IV of 1870 224
penalty for refusal to deliver accounts or property, s. 44, IV of 1870 . . 224
manager to have care of entire property of ward, with certain exception, s. 45, IV of 1870... ... 225
application of monies received by manager, s. 46, IV of 1876... ... 225
in case of attachment, payment of charges of management and Government revenues to have priority, s 47, IV of 1870 225
manager to deliver monthly account-current, s. 48, IV of 1870 ... 225
application of surplus, s. 49, IV of 1870 . 225
investment of surplus, by Court, s. 50, IV of 1870... 225
custody of documents and securities, s. 50, IV of 1870 226
manager and guardian to deliver title deeds and securities to Collector, s. 50, IV of 1870 226
manager to deliver annual accounts, s. 51, IV of 1870 226
management when funds are insufficient, s. 52, IV of 1870 226
rendering of accounts when portions of the estate are situated in different districts of the same division, s. 53, IV of 1870 226
rendering of accounts when different estates or parts of the same estate are in different divisions, s. 53, IV of 1870 226

COURT OF WARDS—(*contd.*)
Court may entrust several estates to one manager, s. 54, IV of 1870 ... 227
no persons who is interested in outliving ward to be appointed guardian, except mother of ward and testamentary guardian, s. 55, IV of 1870 .. 227
female to be appointed guardian of female ward, s. 56, IV of 1870 ... 227
none but a person of the same religion if Hindoo or Mahomedan, to be appointed guardian of female ward, s. 56, IV of 1870 227
guardian to be subordinate to Court and Collector, s. 56, IV of 1870 ... 227
Court may dispense with guardian of female ward, s. 57, IV of 1870 . 227
Court may order remuneration for guardian, s. 58, IV of 1870 .. 227
guardian, except testamentary, must give security, s. 59, IV of 1870 ... 227
Board of Revenue may dispense with security, s. 59. IV of 1870 .. 227
establishment of servants of guardian, s. 60, IV of 1869 228
custody of person of ward, s. 61, IV of 1870 228
guardian to deliver monthly and annual account current, s. 62, IV of 1870 228
superintendence of education of minor vested in the Court, s. 64, IV of 1870 228
residence and attendance at school of minor, s. 65, IV of 1870 ... 228
minor may be educated at home or elsewhere by private tutor, s. 65, IV of 1870 228
expenses of education of minor, s. 66, IV of 1870 229
manager to report debts to Collector, s. 67, IV of 1870 229
when Court may sell or mortgage property of ward, s. 68, IV of 1870 ... 229
when Court may order Collector to partition estate, s. 68, IV of 1870 ... 229
manager to be next friend or guardian in suit by or against ward, s. 69, IV of 1870 230
Court may nominate or substitute another person to be next friend or guardian in suit, s. 69, IV of 1870 230
payment of costs of manager, s. 70, IV of 1870 230
process against wards to be served through Court, s. 71, IV of 1870 ... 230
no suit to be brought on behalf of ward unless it is authorized by the Court, s. 72, IV of 1870 ... 230
powers with regard to arbitration, s. 73, IV of 1870 ... 230, 231
adoption by ward when to be valid, s. 74, IV of 1870 231
tenures of wards' estates under Collector, s. 75, IV of 1870 ... 231
Collector when to submit same accounts as manager, s. 76, IV of 1870 231
order on termination of wardship, s. 77, IV of 1870 231
on termination of wardship list of property and accounts to be delivered to Court, s 78, IV of 1870 ... 232
if on death of ward succession to property is in dispute, Court may continue possession, s. 79, IV of 1870... 232
if not suit is instituted within one year from death of ward Court may sell property in dispute, s. 80, IV of 1870 232
effect of sale, s. 81, IV of 1870 ... 232
power to sue for illegal acts or breach of trust, s. 82, IV of 1870 .. 233
Court to be guided by Code of Civil Procedure, s. 83, IV of 1870 ... 233
Lieutenant-Governor may make rules, s. 84, IV of 1870 233
Court to be subject to Board of Revenue and Lieutenant-Governor, s. 85, IV of 1870 233
chargeable under Bengal License Act, ss. 25, 26, I of 1878 856

COW-POX—
inoculation with, s. 3, IV of 1865 ... 55

CRANES—
may be made by Port Commissioners, s. 39, V of 1870 249

CRIMINAL JAIL—
to be maintained in every district, s. 3, II of 1864 25
control of, s. 3, V of 1865... ... 56

CROPS—
what may be distrained, s. 71, VIII of 1869 199
standing, may be gathered by cultivator, notwithstanding distraint, s. 74, VIII of 1869 199
which cannot be stored, sale of for distraint, s. 74, VIII of 1869 ... 200
compensation for, when land taken under Embankment Act, s. 13, VI of 1873 386
compensation for, when removed for purposes of survey, s. 10, IV of 1875 484
duration of supply of irrigation-water to, s. 76, III of 1876 535

CRUELTY TO ANIMALS—
penalty for beating, ill-treating, torturing, over-driving, etc., animals, s. 21, of 1869 166
penalty for inciting to fight or baiting animals, s. 3, I of 1869. 166
penalty for permitting diseased animals to go at large or die in public street, s. 4, I of 1869 166
penalty for employing animal unfit for work, s. 5, I of 1869 166
trial of offences relating to, ss. 6, 7, I of 1869 166
extension of Acts relating to, ss. 9, 10, I of 1869, *and* s. 3, III of 1869 ... ... 166, 167, 173
Police Officer may arrest without warrant person committing offence against Act for, s. 1, III of 1869 ... 172

CULTIVATING RYOT—
definition of, in Road Cess Act, s. 3, X of 1871 59
mode and time of payment of road cess by, ss. 21, 24, X of 1871 333, 334
payment of public works cess by, s. 5, II of 1877 847
definition of, in Provincial Public Works Act, s. 9, II of 1877 ... 848

CULTIVATOR—
resident and hereditary, cannot be ejected by purchaser of under-tenure, s. 18, VIII of 1865 ... 64
of land, when not chargeable under Bengal License Act, s 4, I of 1878 851
of plants producing ganja or bhang, not to sell them to unauthorized person, s 16, VII of 1878 877
See RYOT.

CURATOR—
payment of Trades License Tax by, s. 26, I of 1878 856
may be appointed by Judge under Land Registration Act, s. 60, VII of 1876 784

CUSTODY—
of prisoners in jail, ss. 7, 12, II of 1864 25
of prisoners' property, s. 13, II of 1864 26

CYCLONE—
assessment of house injured by, s. 107, IV of 1876 575

DAK, see ZEMINDARY DAK.

DALI-KATARI—
included in Bhuinhari tenures in Chota Nagpore, s. 1, II of 1869 ... 167

DAM—
penalty for making, without permission of officer in charge of embankments, s. 55, VI of 1873 398
penalty for making, without permission of Canal Officer, s. 94, III of 1876 539

DAMAGE—
to property of Port Commissioners by vessel, sale of furniture of vessel for, s. 76, V of 1870 261, 262
for irregularity under Village Chowkeedaree Act, s. 34, VI of 1870 ... 277
done by fire-brigade deemed to be done by fire, unless done without reasonable cause, s. 17, II of 1872 ... 363
sustained by vessel through defect in moorings or hawsers, Port Commissioners not to be answerable for, s. 1, III of 1872 369
done by altering situation of gas-work, compensation payable by Municipal Commissioners of Howrah, s. 11, V of 1873 378
done by execution of works under Embankment Act, compensation for, ss. 15, 24, VI of 1873 ... 375, 389
Magistrate may order repair of, under Embankment Act, s. 56, VI of 1873 398
Engineer may repair, s. 56, VI of 1873 398
for which compensation may be claimed under Irrigation Act, s. 11, III of 1876 519
done by Canal Officer, compensation for, s. 37, III of 1876 525
done to municipal property to be made good, s. 352, IV of 1876 ... 635

DAMAGES—
may be awarded in suits for rent, s. 2, VI of 1862, *and* s. 44, VIII of 1869 9, 192
in suits for rent, to carry interest, s. 2, VI of 1862, *and* s. 44, VIII of 1869 9, 192
in suits for rent, how recoverable, s. 2, VI of 1862 9
for exactions in excess of rent or withholding receipt for rent, s. 11, VIII of 1869 182
for extorting payment of rent by duress, s. 13, VIII of 1869 ... 183
for vexatious or groundless distraint, s. 95, VIII of 1869 204
in case of distraint for arrears of rent alleged to be due from another person, s. 96, VIII of 1869 ... 205
for illegal distress and neglect of distrainer, ss. 97, 98, VIII of 1869 ... 205
for unauthorized distraint, s. 99, VIII of 1869 ... ... 205, 206
officer of fire-brigade liable to, for acts done without reasonable cause, s. 17, II of 1872 363
disputed, under Calcutta Municipal Act, to be determined by Small Cause Court, s. 353, IV of 1876 ... 635
under Chapter II of Bengal Municipal Act, to be determined by Civil Court, s. 190, V of 1876 700

DANGER—
imminent, to life and property justifies immediate proceedings under Embankment Act, ss. 11, 21, VI of 1873 ... ... 386, 388

DEATH—
keeper of Pooree lodging-house to report, s. 13, IV of 1871 ... 292
of labourer, to be entered in book kept by employer, s. 101, VII of 1873 455, 456
of owner of village-channel, procedure on, s. 63, III of 1876 ... 532

DEATHS—
registration of, in Bengal, see REGISTRATION OF BIRTHS AND DEATHS.
register of, in Calcutta, s. 169, IV of 1876 590
registrar to inform himself of, s. 172, IV of 1876 591
who to give information of, s. 173, IV of 1876 591

DEBENTURES—
money raised on, by Port Commissioners to be a first charge on property and tolls, s 43, V of 1870 ... 250

DEBENTURES—(*contd.*)
of Port Commissioners, form of, s. 47, and Schedule C, V of 1870 250, 268
See MUNICIPAL DEBENTURES.

DEBTS—
of ward, application of surplus, after payment of, s. 49, IV of 1870 ... 225
of ward, to be reported by manager, s. 67, IV of 1870 229
of ward, sale or mortgage of property for payment of, s. 68, IV of 1870 .. 229
due from Port Commissioners to Secretary of State, payment of, ss 7, 8, 9, 10, *and* Schedule A, V of 1870 241, 267

DECLARATION—
by ryot, on depositing rent with Collector, s. 5, VI of 1862, *and* s. 47, VIII of 1869 ... 10, 192, 193
form of the same, Schedule A, VI of 1862, *and* Schedule A, VIII of 1869 16, 208
by owner, etc., under Part III of Road Cess Act, as to annual profits, s. 93, X of 1871 348

DECREE—
for arrear of rent due in respect of saleable under-tenure, execution of, VIII of 1865 ... 62, 63, 64
passed by Deputy Collector on appeal from Collector in rent suits, declared valid, ss. 2, 3, IV of 1867 ... 144
contents of, in suit for ejectment of ryot or cancelment of lease, s. 52, VIII of 1869 194
order for levy of fine under section 6 of Road Cess Act to have effect of, s. 10, X of 1871 329
made while partition is in progress, form and nature of, s. 27, VIII of 1876 ... .. 808, 809
made after completion of partition, form, nature and execution of, s 28, VIII of 1876 ... 809, 810

DEFAULTER—
under Village Chowkeedaree Act, distraint and sale of property of, ss. 28, 29, 32, VI of 1870 276, 277

DEFENDANT—
in rent suit, compensation may be awarded to, in certain cases, s. 3, VI of 1862, *and* s. 45, VIII of 1869 10, 192
in rent suit, may pay money into Court after tender made, s. 7, VI of 1862, *and* s. 48, VIII of 1869 11, 193
when to be charged with whole costs of rent suit, s 7, VI of 1862, *and* s. 49, VIII of 1869 11, 194
in rent suit, may pay money into Court without previous tender, s. 8, VI of 1862, *and* s. 49, VIII of 1869 11, 193
in suit under Police Act, rights of, s. 99, IV of 1866 111, 112
in suit under Calcutta Municipal Act, may pay money into Court, s. 357, IV of 1876 636

DEMAND—
definition of, s. 1, VII of 1868 155, 156
certificate to be made of arrears of, ss. 18, 19, VII of 1868 ... 161
sum apportioned under Embankment Act recoverable as, s. 50, VI of 1873 397
famine loan deemed to be, s. 1, IV of 1875 477
sum due under Survey Act deemed to be, s. 57, IV of 1875 499
expenses of removal of obstruction of river, etc, deemed to be, s. 42, III of 1876 527
sum payable on account of village-channel deemed to be, s. 73, III of 1876 534
arrear of water-rate deemed to be, s. 85, III of 1876 537
amount due to Collector under Land Registration Act deemed to be, s. 82, VII of 1876 790
sums due under Partition Act deemed to be, s. 138, VIII of 1876 ... 840

DEPOSIT—
fee for filing application for, under section 15 of Act XI of 1859, Schedule III of 1862 2
fee for filing application for withdrawal of, under section 16 of Act XI of 1859, Schedule III of 1862 ... 2
neglect to make, of rent due after suit instituted, s. 2, VI of 1862, *and* s. 44, VIII of 1869 ... ...9, 191
of rent by defendant, after suit instituted, s. 3, VI of 1862, *and* s. 45, VIII of 1869 ... ... 10, 192
of rent by ryot, when no suit instituted, s. 4, VI of 1862, *and* s. 46, VIII of 1869 ... 10, 192
effect of the same, s. 4, VI of 1862, *and* s. 46, VIII of 1869... 10, 192
Collector when to receive, s. 5, VI of 1862 10
Court when to receive, s. 47, VIII of 1869 192
withdrawal of, s. 5, VI of 1862, *and* s. 47, VIII of 1869 ... 11, 193
by auction-purchaser of under-tenure, ss. 8, 9, VIII of 1865 ... 62, 63
of money for construction of ways on island, s. 6, IV of 1868 . 152
of expenses of making temporary road-way or dam, s. 20, VI of 1873 ... 388
of expenses of further inquiry as to correctness of maps and papers, s. 12, IV of 1875... 486
of compensation by Collector under Irrigation Act, s. 18, III of 1876 ... 521
of expenses for construction of village-channel, s. 51, III of 1876 ... 529

DEPOT—
for emigrants, s. 35, VII of 1873 ... 438

DEPUTY COLLECTOR—
powers of, under Estates Partition Act, see PARTITION
powers of, in rent suits, ss. 19, 20, VI of 1862 15

DEPUTY COLLECTOR—(*contd*).
judgments, decrees and orders of, on referred appeals in rent suits confirmed, ss. 2, 3, IV of 1867 ... 144
definition of, in Survey Act, s. 2, IV of 1875 481
powers of, under Agrarian Disputes Act, s. 4, VI of 1876 752
under Agrarian Disputes Act, to be subject to control of Collector, s. 24, VI of 1876... 757
appeal from, under Agrarian Disputes Act, ss. 28, 29, VI of 1876 ... 758

DEPUTY COMMISSIONER, see HAZARIBAGH AND LOHARDUGGA RURAL POLICE.

DEPUTY-COMMISSIONER OF POLICE—
powers, under Suburban Police Act, s. 50, II of 1866 50
appointment, powers, and removal of, s. 5, IV of 1866 93
may be appointed a Justice of the Peace, s. 7, IV of 1866 ... 93
may countersign and withdraw recruiter's license, ss. 40, 41, VII of 1873 439
to be deemed District Superintendent of Suburbs for purposes of Bengal Municipal Act, s. 176, V of 1876 ... 697

DESERTER—
from merchant vessel, penalty for harbouring and concealing, s. 42, IV of 1866 100

DESERTION—
of emigrant on journey, how punishable, s 92, VII of 1873 ... 453
of laborer, to be entered in employer's book, s. 101, VII of 1873 455, 456
of laborer, penalty for, s. 122, VII of 1873 463

DICE, see COMMON GAMING-HOUSE.

DILUVION—
a ground for abatement of rent, s. 18, VIII of 1869 184

DISCHARGE—
of prisoners from jail, s. 10, II of 1864 25

DISCIPLINE—
penalty on police officer, for minor breach of, s. 5, II of 1866 ... 71

DISEASE—
contagious, see CONTAGIOUS DISEASE.
in jail, measures to be taken, s. 12, II of 1864 26

DISEMBARKATION—
of emigrants, see EMIGRATION TO LABOR DISTRICTS.

DISPENSARY—
may be vested in Municipal Commissioners, s. 34, V of 1876 ... 663
municipal funds may be spent on, s. 61, V of 1876 669
keeper of, not to allow liquors to be drunk on the premises, s. 43, VII of 1878 882

DISMISSAL—
of surveyor of steam vessel demanding illegal remuneration, s. 9, V of 1862 4
of Police Officer, s. 4, II of 1866 *and* s 12, IV of 1866 ... ...71, 94
of village chowkeedar, ss. 35, 37, VI of 1870 278

DISPUTE—
agrarian, see AGRARIAN DISPUTES.
between hirer and driver of hackney carriage, settlement of, s. 39, V of 1866 129
as to expenses of raising wreck by Port Commissioners, settlement of, s. 3, III of 1872 369
as to boundaries, powers of Collector, ss. 40, 46, IV of 1875 ... 495, 496
as to village-channel, settlement of, ss. 87, 88, III of 1876... ... 537
as to applicant's claim under Land Registration Act may be referred to Civil Court, s. 55, VII of 1876 ... 782
as to whether lands form part of the parent estate, s. 116, VIII of 1876... 834

DISQUALIFIED PROPRIETOR—
definition of, in Court of Wards Act, s. 1, IV of 1870 213
who deemed to be, s. 2, IV of 1870 213, 214
See COURT OF WARDS.

DISTILLERY—
European, not to be constructed or worked without license, s. 7, VII of 1878 874
establishment of native, s. 9, VII of 1878 875
rules for management of, ss. 8, 10, VII, of 1878 875

DISTRAINT—
of vessel for non-payment of Port Commissioner's tolls, s. 74, V of 1870 ... 261
of furniture of vessel for damage done to property of Port Commissioners, s. 76, V of 1870 261
of defaulter's property under Village Chowkeedaree Act, s. 27, VI of 1870 276
of property of punchayet for realization of chowkeedar's salaries, s. 45, VI of 1870 279
of moveable property of employer of laborers, for realization of rate, s. 96, VII of 1873 454
for water rate, person who makes may be called on to produce account, s. 84, III of 1876 537
for municipal dues, s. 122, IV of 1876 580
under Calcutta Municipal Act, not unlawful for want of form, s. 127, IV of 1876 581
by Small Cause Court, for recovery of damages etc., under Calcutta Municipal Act, s. 355, IV of 1876 ... 636

DISTRAINT—(*contd.*)
of moveable property of defaulter, for non-payment of mofussil municipal taxes, ss. 112, 113, V of 1876 ... 682
under Bengal Municipal Act, not invalid for want of form, s. 119, V of 1876 683
for arrear due under Excise Act, s. 36, VII of 1878 881
for arrears of salary due to village policeman, s. 16, VIII of 1878 ... 897

DISTRAINT FOR RENT—
arrear of rent may be recovered by, subject to certain modifications, s. 68, VIII of 1869 198
when not to be made, s. 69, VIII of 1869 199
power of, to be exercised by managers under Court of Wards, etc., s. 70, VIII of 1869 199
standing crops and crops gathered but not stored, liable to, s. 71, VIII of 1869 199
defaulter to be served with written demand, before or at the time of, s. 72, VIII of 1869 199
distrainer may distrain property proportionate to the amount of the arrear with costs, s. 73, VIII of 1869 199
standing crops to be reaped and gathered by cultivator, or if he neglects to do so, by distrainer, s. 74, VIII of 1869 ... ... 199, 200
crops which cannot be stored, may be sold, s. 74, VIII of 1869 ... 200
distrainer may apply for aid to the Court if resistance is apprehended, s. 75, VIII of 1869 200
written authority to be given to servant to make distress, s. 76, VIII of 1869 200
distress to be withdrawn on payment of arrear and expenses of distress, s. 77, VIII of 1869 200
application for sale by distrainer, ss. 78, 79, VIII of 1869 ... 200, 201
procedure by Court on receipt of application for sale, s. 80, VIII of 1869 201
sale to be suspended if suit instituted, ss. 81, 82, VIII of 1869 ... 201
distress to be withdrawn on receipt of Court's certificate that sufficient security has been given, s. 83, VIII of 1869 201
value of claim in suits disputing distress, s. 84, VIII of 1869 ... 202
when sale to be proceeded with, s. 85, VIII of 1869 202
place and mode of sale of distrained property, s. 86, VIII of 1869 ... 202
postponement of sale, s. 87, VIII of 1869 202
certificate to be given to purchaser on payment of purchase money, s. 88, VIII of 1869 203
proceeds of sale how to be dealt with, s. 89, VIII of 1869 .. 202, 203
officers holding sales prohibited from purchasing at them, s. 90, VIII of 1869 203
irregularities committed by distrainers to be reported to the Court, s. 91, VIII of 1869 203
recovery of expenses when officer proceeds to place of sale and no sale takes place, s. 92, VIII of 1869 ... 203
proceedings of officers holding sales subject to revision of the Court, s. 93, VIII of 1869 203
publication of second proclamation of sale, s. 94, VIII of 1869 ... 204
procedure after institution of suit to contest distrainers' demand, s. 95, VIII of 1869 204
institution of suit by person whose property has been distrained for arrears of rent alleged to be due from another, s. 96, VIII of 1869 ... 204, 205
persons prevented from suing in time to save property from sale, may sue for damages, s. 97, VIII of 1869 . 205
also person aggrieved by neglect of distrainer, s. 98, VIII of 1869 ... 205
penalty for unlawful distraint, s. 99, VIII of 1869 ... ... 205, 206
limitation of suit for damages, s. 100, VIII of 1869 206
penalty for resistance to distraint, s. 101, VIII of 1869 206

DISTRESS, see DISTRAINT.

DISTRICT—
definition of, in Road Cess Act, s. 2, X of 1871 327

DISTRICT ROAD FUND—
constitution of, s 82, X of 1871 ... 346
road cess not payable under Act to be assigned to district committee, s. 83, X of 1871 347
Collector to prepare annual statement of, s. 84, X of 1871 346
payments made on account of, s. 85, X of 1871 347
Collector to forward to Vice-Chairman of committee an account of receipts and disbursements, s. 86, X of 1871 347
committee to keep regular accounts, s. 87, X of 1871 347
Vice-Chairman of committee to prepare detailed account current of receipts and expenditure, s. 88, X of 1871 ... 347
account and report to be published at expense of, s. 89, X of 1871 ... 347
application of, s. 90, X of 1871 347, 348

DISTRICT SUPERINTENDENT OF POLICE—
to prepare estimate of municipal police, s 167, V of 1876 695
on deputation of municipal police, to make provision for performance of police duties in municipality, s. 166, V of 1876 695
to prepare monthly bill showing expenses of municipal police, s. 173, V of 1876 696
Magistrate of the district may be vested with powers of, s. 174, V of 1876 696

DIVORCE, see MAHOMEDAN MARRIAGES AND DIVORCES.

DOCK—
Port Commissioners may destroy, if made without proper authority, s. 57, V of 1870 253

DOGS—
destruction of stray, by order of Commissioner of Police, s. 42, II of 1866, *and* s. 102, IV of 1866 82, 111
destruction of stray, by mofussil municipal authorities, s. 230, V of 1876 708

DOMESTIC SERVANTS—
not subject to Chapter 7 of Part II of Labor Districts' Emigration Act, s. 94, VII of 1873 454

DRAINAGE—
Government bound to provide, s. 39, III of 1876 526
of Calcutta, Corporation bound to complete, s. 27, IV of 1876 ... 555
Calcutta Corporation may carry out complete system of, s. 167, IV of 1876 590
See DRAINS, SEWERS.

DRAINAGE RATE—
not to exceed two and a half per cent., s. 88, IV of 1876 571

DRAINAGE SCHEME, see HOOGHLY AND BURDWAN DRAINAGE.

DRAINAGE-WORK—
definition of, s. 3, III of 1876 ... 516
See IRRIGATION.

DRAINS—
for slaughter-houses, must be made by owner or occupier, s 3, VII of 1865 59
penalty for depositing dirt, &c., in, s. 24, IV of 1871 294
penalty for allowing offensive matter to run into surface drain, s. 25, IV of 1871 295
penalty for not keeping in proper state, s. 30, IV of 1871 ... 295
made without consent of municipal authorities, may be demolished, s. 220, IV of 1876, *and* s. 240, V of 1876 ... ... 602, 711
may be made by municipal authorities for houses which are improperly drained, s. 222, IV of 1876 ... 602
for group or block of houses, s. 225, IV of 1876, *and* s 243, V of 1876 603, 712
branch-drains, to be under control of municipal authorities, s. 228, IV of 1876 604
branch-drains, &c., constructed contrary to municipal regulations may be altered, s. 229, IV of 1876, *and* s. 244, V of 1876 ... 605, 712
inspection of, by Calcutta municipal authorities, s. 231, IV of 1876 ... 604
inspection of, by Mofussil municipal officers, s. 200, V of 1876 ... 702
See SEWERS.

DREDGE —
may be made by Port Commissioners, s. 39, V of 1870 249

DRINKING WATER—
compensation for loss of, s. 12, III of 1876 520

DRIVER—
of hackney carriage, see HACKNEY CARRIAGE PENALTY.

DRIVING—
penalty for, without sufficient light, or otherwise than on left side of the road, s. 40, II of 1866, *and* s. 66, IV of 1866 ... 80, 81, 106
penalty for negligent, s. 40, II of 1866, *and* s. 66, IV of 1866 ... 81, 106
penalty for, insufficiently greased wheels, s. 40, II of 1866, *and* s. 66, IV of 1866 ... 81, 107

DRUG—
intoxicating, see INTOXICATING DRUGS.
definition of, s. 3, IV of 1876 ... 546
place for sale of, to be registered, s 295, IV of 1876, *and* s. 275, V of 1876 ... ... 620, 719
seizure of adulterated, s 296, IV of 1876, *and* s. 277, V of 1876 620, 720
compensation if drug removed is not adulterated, s. 296, IV of 1876, *and* s. 277, V of 1876 ... 621, 720

DRUGGIST, see CHEMIST.

DRUM—
penalty for beating, without permission from Commissioner of Police, s. 40, II of 1866, *and* s. 66, IV of 1866 ... ... 81, 107

DRUNKENNESS—
in public, penalty on, s. 41, II of 1866, *and* s. 68, IV of 1866 82, 108

DURESS—
extortion of rent by, prohibited, s. 13, VIII of 1869 183

DUTY—
on manufactured salt, ss. 9, 14, VII of 1864 ... ... 43, 44
on spirituous liquor, ss. 18, 19, VII of 1878 877
farm of excise duties, s. 20, VII of 1878 877

DWELLING-HOUSE—
how to be dealt with in partition cases, s. 89, VIII of 1876 826

DYEING-HOUSE—
to be registered at municipal office, s. 297, IV of 1876 621

EAST INDIAN RAILWAY—
passengers and goods conveyed on, may be exempted from Howrah bridge tolls, s 3, IX of 1871 314
fees which may be levied on goods and passengers for Howrah bridge, s. 4, IX of 1871 . . 315
Howrah bridge tolls may be collected through, s. 9, IX of 1871 315, 316

EATING-HOUSE—
license for, s 18, II of 1866, *and* s. 35, IV of 1866 74, 98

EDUCATION—
of minor wards, ss. 64, 65, IV of 1870 228

EJECTMENT—
of ryot for arrear of rent, s. 22, VIII of 1869 185
and recovery of arrear of rent may be sued for in the same action, s. 52, VIII of 1869 194

ELECTION—
of Mofussil Municipal Commissioners, s. 16, V of 1876 ... 659
of members of Ward Committee, ss. 50, 51, V of 1876 ... 666, 667

ELECTION OF CALCUTTA COMMISSIONERS—
number to be elected, s. 7, IV of 1876 548
qualification for election, s. 11, IV of 1876 549
qualification for election of joint family and firm, s 12, IV of 1876 549, 550
town to be divided into wards, s 13, IV of 1876 ... 550
if ward fails to elect, local Government may appoint, s 14, IV of 1876 .. 550
procedure if person is elected in more than one ward, s. 15, IV of 1876 550
procedure in case of equality of votes, s 16, IV of 1876 551
term for which members are to be elected, s. 22, IV of 1876 553
time and manner of election, s. 17, IV of 1876 551
election rules and expenses, s. 17, IV of 1876 551
registration of voters and persons qualified for election, s. 18, IV of 1876 551
publication of list of voters and persons qualified for election, s. 19, IV of 1876 552
appeal from decision of Chairman as to qualification for voting for election, s. 20, IV of 1876 552
election not invalid for want of form, s 21, IV of 1876 552

ELEPHANT—
penalty for driving in public street without permission from Commissioner of Police, s 40, II of 1866, *and* s. 66, IV of 1866... 80, 106

EMBANKMENTS—
definition of embankment, s 3, VI of 1873 382
powers of Collector with regard to, s. 4, VI of 1873 383, 384
Collector may cause plans to be prepared, s. 5, VI of 1873 ... 384
Collector to issue proclamation, s. 6, VI of 1873 ... 385
mode and time of publication of proclamation, ss. 6, 7, VI of 1873 ... 385
Collector to hear objections and pass orders, s. 8, VI of 1873 .. 385
procedure where lands affected are in different districts or in different divisions, s. 9, VI of 1873 ... 385
Collector may delegate certain powers to Engineer, s 10, VI of 1873 ... 385
proceedings of Collector when delay would cause imminent danger to life and property, s. 11, VI of 1873 386
Collector may take possession of land, s 12, VI of 1873 ... 386
Collector to offer compensation for crops and trees, s. 13, VI of 1873 .. 386
Collector may delegate certain powers to Engineer to be used in his absence, s 14, VI of 1873 ... 386
land or embankments which are not wanted to be restored to former state, s. 15, VI of 1873 386, 387
powers conferred on Engineer subject to control of Collector, s. 17, VI of 1873 387
Engineer may call on manager of railroad to alter rail-road or construct water-course under it, s. 19, VI of 1873 387
in default of compliance, Engineer may alter rail road or construct water-course, s 19, VI of 1873 387
expenses of alteration to be borne by manager of rail-road, s. 19, VI of 1873 387
construction of temporary roadway, water-course or dam, s. 20, VI of 1873 387
applicant must deposit expenses, s 20, VI of 1873 ... 388
power to remove trees, houses, etc., s 21, VI of 1873 388
if delay is likely to cause danger to life and property, Collector may remove trees, houses, etc., forthwith, s 22, VI of 1873 388
sluices to be opened or shut only with permission of Engineer in charge, s. 22, VI of 1873 ... 388
Engineer may appropriate land or earth for embanked towpath, s. 23, VI of 1873 388
general powers of Engineer, s. 24, VI of 1873 389
notice of entry and payment for damage done, s. 24, VI of 1873 .. 389
land to be acquired under Act X of 1870, s 25, VI of 1873 ... 389
proclamation that land has been taken, s 26, VI of 1873 390

EMBANKMENTS—(*contd.*)
contents of proclamation, s. 27, VI of 1873 390
Collector to serve notice on occupier of land, s. 28, VI of 1873 ... 390
determination of compensation, s. 29, VI of 1873 390
persons entitled to compensation, s. 30, VI of 1873 390
claim for compensation to be made within two years, s. 31, VI of 1873 390
matters to be taken into consideration in determining compensation, s. 33, VI of 1873 391
buildings, land, etc., forming part of embankment to vest in Government, s. 34, VI of 1873 391
embankments in Schedule D, s. 35, VI of 1873 391
exclusion of embankments in Schedule D, s. 35, VI of 1873 . 392
inclusion of embankments in Schedule D, s. 35, VI of 1873 392
Government to contribute towards maintenance of embankments in Schedule E, s. 36, VI of 1873 . 392
if embankments in Schedule E are declared public, Collector to keep separate account, s. 36, VI of 1873 .. 392
when Government contribution to be discontinued, s. 36, VI of 1873 ... 392
specifications and estimates of works to be prepared, s. 37, VI of 1873 ... 393
notice of receipt of specifications and estimates to be served, s. 37, VI of 1873 393
preparation of accounts and Engineers' certificate of expenses, s. 38, VI of 1873 393
notice of receipt of accounts and certificates to be served, s. 38, VI of 1873 393
Collector to inquire into objection to accounts, s. 38, VI of 1873 ... 393
Collector to make order specifying total sum payable, s. 39, VI of 1873 394
interest on sum paid as compensation, s. 39, VI of 1873 394
total sum payable to be paid by zemindars of lands benefited, s. 40, VI of 1873 394
zemindar may recover from proprietor of tenure, s. 40, VI of 1873 ... 394
Collector to serve notice of apportionment, s 41, VI of 1873 ... 394
Collector to make inquiry for purposes of apportionment, s. 42, VI of 1873 395
Collector to take down names of proprietors of tenures, s. 43, VI of 1873 395
Collector to serve notice on proprietors of tenures, s. 43, VI of 1873 ... 395
apportionment by Collector amongst zemindars, s. 44, VI of 1873 ... 395
on the right bank of the River Gunduck, s. 44, VI of 1873 395
in porgunnah in Schedule E, s. 44, VI of 1873... 395
apportionment amongst tenures, s. 45, VI of 1873... 396
certain lands held without payment of rent to be included in tenures of estates, s. 46, VI of 1873 ... 396
amount apportioned payable by instalments, s. 47, VI of 1873 ... 396
interest to be charged on unpaid portion at five per cent, s. 47, VI of 1873 396
Collector to make final order of apportionment, s. 48, VI of 1873 ... 396
Collector to make order for payment, s 49, VI of 1873 396
recovery from zemindar, s. 50, VI of 1873 397
recovery by zemindar, s. 51, VI of 1873 397
penalty for obstructing persons exercising powers under Act, s. 52, VI of 1873 397
penalty for unauthorized interference with embankment or water-course, s. 53, VI of 1873 397
penalty for injuring embankment, etc., s. 54, VI of 1873 397
penalty for making dam without authority, permitting cattle to graze on embankment, etc., s. 55, VI of 1873 398
Magistrate may order removal of obstructions and repair of damage, s. 56, VI of 1873 398
in default of removal, Engineer may remove, and cost shall be levied from offender, s. 56, VI of 1873 ... 398
service of notices, s. 57, VI of 1873 398, 399
proceedings not to be impeached for want of form, s. 58, VI of 1873 ... 399
Collectors' orders appealable to Commissioner, and Commissioners' to Board of Revenue, s. 59, VI of 1873 399
orders to be final, s. 60, VI of 1873 ... 399
powers of Collector and Commissioner on inquiry or appeal, s. 61, VI of 1873 399
general control of Commissioner and Government, s. 62, VI of 1873 ... 399
disposal of lands no longer required for embankments, s. 63, VI of 1873 400
application of proceeds of lands, s. 63, VI of 1873 400
Collector may delegate any of his powers to a Deputy Collector, s. 64, VI of 1873... 400
offences to be tried by Magistrate of first or second class, s. 65, VI of 1873 401
rule as to, in partition cases, s. 109, VIII of 1876 831
acquisition of land for, in Orissa and Sunderbuns, s. 1, VII of 1866 ... 903
sale of abandoned, in Orissa and Sunderbuns, s. 7, VII of 1866 ... 906

EMBARKATION AGENT—
appointment of, s. 12, VII of 1873 ... 432

EMERGENCY—
removal of obstruction to line of navigation in case of, s. 14, V of 1864 33

EMERGENCY—(*contd*)
Special Constables may be appointed on, s. 12, II of 1866, *and* s. 18, IV of 1866 ... ... 73, 96

EMIGRANT—
definition of, s. 3, VII of 1873 ... 429
See EMIGRATION TO LABOR DISTRICTS.

EMIGRATION TO LABOR DISTRICTS—
contract made with emigrant to be a charge upon lands of employer, s. 5, VII of 1873 431
persons above the age of sixteen may contract to labor, s. 6, VII of 1873 431
contract to labor for more than a year when not binding on emigrant, s. 7, VII of 1873 431
Lieutenant-Governor may prohibit emigration of natives from any district or to any labor district, s. 10, VII of 1873 432
penalty for engaging natives to emigrate while emigration is prohibited, s. 11, VII of 1873 ... 432
Lieutenant-Governor may appoint superintendents of emigration, embarkation agents, and medical inspectors, s. 12, VII of 1873 ... 432
employer may authorize garden-sirdar to engage natives, s. 13, VII of 1873 433
superintendent may grant licenses to contractors, s 14, VII of 1873 ... 433
contract with emigrant not to exceed three years, s. 15, VII of 1873 ... 433
form and particulars of contract, s. 15, VII of 1873 433
garden-sirdar to present to Magistrate certificate signed by employer, s. 16, VII of 1873 433
Magistrate after inquiry to countersign certificate, s. 17, VII of 1873 ... 434
garden-sirdar authorized to engage more than twenty natives to be subject to provisions relating to recruiter, s. 18, VII of 1873 434
garden-sirdar to have no authority until his certificate is countersigned by Magistrate, s. 19, VII of 1873 ... 434
Magistrate may cancel garden sirdar's certificate, s. 19, VII of 1873 ... 434
every native who enters into engagement with garden-sirdar to appear with him before a Magistrate, s. 19, VII of 1873 434
Magistrate to examine native and register particulars, s. 21, VII of 1873 434
Magistrate may require medical certificate for native, s. 21, VII of 1873 435
when Magistrate may refuse to register native, s. 22, VII of 1873 ... 435
garden-sirdar to pay fee for registration, s. 23, VII of 1873 ... 435
contract to be signed in duplicate and abstract to be entered in book kept by Magistrate, s. 24, VII of 1873 435
copy of abstract to be sent to superintendent, and by him to Magistrate of the particular labor district, s. 24, VII of 1873 435
provisions for natives recruited in Calcutta, s. 25, VII of 1873 ... 435
rule as to natives recruited out of Bengal, s. 26, VII of 1873 ... 436
garden-sirdar must personally accompany emigrants, s. 27, VII of 1873 436
garden-sirdar not to take more than twenty emigrants, s. 28, VII of 1873 436
garden-sirdar to provide food and lodging on the journey, s. 29, VII of 1873 436
if food and lodging are not provided, Magistrate may award compensation or cancel contract, s. 29, VII of 1873 436
Magistrate may advance amount ordered to be paid by garden-sirdar and recover it from employer, s. 30, VII of 1873 436
on arrival of emigrant in Calcutta contract may be cancelled, s. 31, VII of 1873 437
contract of relative of emigrant may be cancelled at same time, s. 31, VII of 1873 437
garden-sirdar must report himself to Magistrate on arrival in labor district, s. 32, VII of 1873 .. 437
penalty on garden-sirdar neglecting to report himself, s. 32, VII of 1873... 437
form and duration of contractors' license and fee, s. 33, VII of 1873 ... 437
contractor bound to give information to superintendent, s. 34, VII of 1873... 437
contractor to establish and maintain depôts, s. 35, VII of 1873 ... 438
natives to receive food and lodging at depôt, s. 35, VII of 1873 ... 438
contractor may act as recruiter, s. 36, VII of 1873 438
Lieutenant-Governor may direct establishment of hospital depôts, s. 37, VII of 1873 438
contractor to contribute to expense of hospital depôt, s. 37, VII of 1873 438
hospital depôt to be under charge of medical inspector, s. 37, VII of 1873 438
form and duration of recruiter's license, and fee, s. 38, VII of 1873 ... 438
recruiter to hold a written pass signed by contractor, s. 39, VII of 1873 ... 439
recruiter not to have authority until his license is countersigned, s. 40, VII of 1873 439
Magistrate, etc., may withdraw recruiters' license, s. 40, VII of 1873 439
recruiters' license not to be countersigned until sufficient accommodation has been provided for natives, s. 41, VII of 1873 439
Magistrate to have superintendent's powers for supervision of accommodation, s. 41, VII of 1873 ... 439

EMIGRATION TO LABOR DISTRICTS —(*contd.*)
native engaging with recruiter to be examined by medical officer, s. 42, VII of 1873 439
native certified fit by medical officer to be taken before Magistrate, s. 43, VII of 1873 440
Magistrate to examine native, and if satisfied to register particulars, s. 43, VII of 1873 440
when Magistrate may refuse to register, s. 43, VII of 1873 ... 440
Magistrate to furnish emigrant with copy of registration, s. 44, VII of 1873 440
copy of registration and certificate of medical officer to be forwarded to superintendent, s. 45, VII of 1873 440
recruiter to pay fee for registration, s. 46, VII of 1873 440
provisions applicable to natives engaged by recruiters in Calcutta, s. 47, VII of 1873 441
rule as to natives recruited out of Bengal, s. 48, VII of 1873 ... 441
penalty on recruiter for forwarding natives without registration, s. 49, VII of 1873 441
penalty on recruiter for forwarding natives to unauthorized depôt, s. 49, VII of 1873 441
emigrants proceeding to depôt, to be accompanied by recruiter or some person approved by Magistrate, s. 50, VII of 1873 441
penalty on recruiter not providing proper food and lodging during journey, s. 51, VII of 1873 ... 441
contractor to report to superintendent arrival of emigrants at depôt, s. 52, VII of 1873 442
medical inspector to examine emigrants, and if satisfied, to countersign copy of registration, s. 53, VII of 1873 442
medical inspector to examine emigrant who has no medical certificate, s. 53, VII of 1873 442
emigrant rejected by medical inspector to be sent home, s. 54, VII of 1873 442
emigrant to be fed and lodged by contractor until he is fit to undertake the journey home, s. 54, VII of 1873 442
family of detained emigrant may remain with him, s. 55, VII of 1873 443
emigrant ill treated during journey may obtain compensation, s. 56, VII of 1873 443
emigrant to execute contract with employer, s 57, VII of 1873 ... 443
contract to be signed in duplicate and explained by superintendent, s. 57, VII of 1873 443
abstract of contract to be entered in register, s. 57, VII of 1873 ... 443
copy of abstract to be sent to Magistrate, s. 57, VII of 1873 ... 443
penalty on emigrant refusing to execute contract, s. 58, VII of 1873 ... 444
penalty on contractor for not tendering for execution contract to emigrant, s. 59, VII of 1873 ... 444
superintendent may advance money ordered to be paid by contractor and recover it with interest, s. 60, VII of 1873 444
with permission of superintendent emigrant may be forwarded to labor district, s. 61, VII of 1873 ... 444
emigrant to be furnished with pass signed by contractor and countersigned by superintendent, s. 61, VII of 1873 444
master of vessel may not convey emigrants without license, s. 62, VII of 1873 445
fees for license of vessel, s. 62, VII of 1873 445
penalty on master carrying emigrants without license, s. 62, VII of 1873 .. 445
penalty for delay in despatching vessel, s. 63, VII of 1873 445
penalty for fraudulently altering vessel after grant of license, s. 64, VII of 1873 445
penalty for receiving on board more emigrants than number specified in license, s. 65, VII of 1873 ... 445
in computing number of persons on board, two children under ten to be reckoned as one person, s. 66, VII of 1873 446
master not to embark emigrants on board vessel carrying more than 20 persons without a pass, s. 67, VII of 1873 446
penalty on master taking emigrant on board illegally, s. 67, VII of 1873 446
embarkation agent not to grant pass without medical certificate, s. 67, VII of 1873 446
master of vessel to receive list of emigrants before he proceeds on voyage, s. 68, VII of 1873 446
contents of list, s. 68, VII of 1873 ... 446
list to be compared with emigrants, s. 68, VII of 1873 446
penalty for admitting emigrants not in list, s. 68, VII of 1873 ... 446
copy of list to be sent to Magistrate of labor district, s. 68, VII of 1873. 447
supplies, drugs, and officers on board emigrants vessel, s. 68, VII of 1873 447
penalty on master proceeding without proper supplies, drugs, and officers, s 69, VII of 1873 447
vessel carrying 200 emigrants must carry medical officer, s. 70, VII of 1873 447
penalty on master of vessel with 200 emigrants proceeding without medical officer, s. 70, VII of 1873 ... 447
penalty on master allowing emigrant to finally leave vessel at place other than that mentioned in pass, s. 71, VII of 1873 447
emigrants may be finally disembarked in case of accident or unavoidable necessity, s. 71, VII of 1873 .. 447

EMIGRATION TO LABOR DISTRICTS —(*contd.*)
vessel carrying emigrants to stop at every place where a Magistrate is stationed, s. 72, VII of 1873 ... 448
master to report to Magistrate health of emigrants, s. 72, VII of 1873 ... 448
Magistrate may inspect vessel at any time, s. 73, VII of 1873 ... 448
master bound to give information required under penalty, s. 73, VII of 1873 448
Magistrate may regulate communication with vessel and land, s. 74, VII of 1873 448
Magistrate may detain vessel and order medical inspection in case of disease, s. 75, VII of of 1873 ... 448
Magistrate may order detention of sick emigrant, ss. 76, 78, VII of 1873 449
expenses of support of emigrant recoverable from contractor or gardensirdar of employer, s. 77, VII of 1873 449
if number of emigrants on board is larger than number in license, Magistrate may remove excess number, s. 79, VII of 1873 ... 449
Magistrate to report breach of provisions of Act to embarkation agent, s. 80, VII of 1873 449
on arrival at place of disembarkation, master to give notice to Magistrate, s. 81, VII of 1873 450
on receipt of notice Magistrate to send information to employers, s. 81, VII of 1873 450
medical officer to inspect and report on emigrants, s. 81, VII of 1873 ... 450
Magistrate may detain sick emigrants at station, s. 82, VII of 1873 ... 450
expenses of detention recoverable from employer, s. 82, VII of 1873 450
if Magistrate is satisfied that proper provision has been made for emigrants, employer may take charge of them, s. 83, VII of 1873 ... 451
if provision has not been made, Magistrate to make arrangements, and recover expenses from employer, s. 83, VII of 1873 451
if emigrants are to disembark at a place which is not a civil station, medical inspection to be made at last civil station, s. 84, VII of 1873 ... 451
proceedings when emigrants arrive at a place of disembarkation which is not a civil station, s. 85, VII of 1873 ... ... 451, 452
family of detained emigrant may remain with him, s. 86, VII of 1873 ... 452
particulars to be entered in medical reports, s. 87, VII of 1873 ... 452
Magistrate to report arrival of emigrants and proceedings to superintendent, s. 88, VII of 1873 ... 452
reports on emigrants carried in a licensed vessel to be forwarded through embarkation agent, s. 88, VII of 1873 453
Magistrate may delegate certain powers to Subordinate Magistrate, s. 89, VII of 1873 453
penalty on master of vessel or medical officer neglecting to enforce rules, s. 90, VII of 1873 453
jurisdiction over offences committed on boardship, s 91, VII of 1873 ... 453
penalty on emigrant for desertion, s. 92, VII of 1873 453
provisions applicable to relatives of emigrants, s. 93, VII of 1873 ... 454
provisions which do not apply to domestic servants, s. 94, VII of 1873 454
See LABOR DISTRICTS.

EMPLOYER—
definition of, s. 3, VII of 1873 ... 429
See EMIGRATION TO LABOR DISTRICTS, LABOR DISTRICTS.

ENCROACHMENT—
in public street, removal of, s. 199, IV of 1876 596
in front of house, removal of, ss. 208, 209, IV of 1876 ... 598, 599
on road or open drain in Mofussil municipality, removal of, ss. 215, 217, V of 1876 ... 704, 705
in front of house in Mofussil municipality, removal of, s. 221, V of 1876 706

ENGINE—
in jute warehouse, s. 7, II of 1872 ... 360

ENGINEER—
powers of, under Embankment Act, see EMBANKMENTS
of Calcutta Corporation, appointment, removal, and salary of, ss. 32, 35, IV of 1876 ... ... 556, 558
of steamer, examination of, ss. 7, 8, I of 1868 149
of steamer, certificate of competency and service may be given to, ss. 9, 10, I of 1868 149
penalty on owner or master of steam vessel plying without certificated, s. 12, I of 1868 149
certificate of, may be cancelled or suspended, s. 14, I of 1868 . 150
certificate of, granted by competent authority in United Kingdom, to be valid in Bengal, s. 15, I of 1868 ... 150
definition of, in Embankment Act, s. 3, VI of 1873... 383
appointment of, for Mofussil Municipality, s. 48, V of 1876... ... 666

ENHANCEMENT OF RENT, see RENT.

ENTRY—
powers of, under Salt Act, s. 28, VII of 1864 47
in register of Mahomedan marriages and divorces, ss. 9, 11, I of 1876 ... 504

ENUMERATOR—
may be appointed for taking of census, s. 3, XI of 1871 354

ENUMERATOR—(*contd.*)
who to appoint in municipalities, s. 4, XI of 1871 ... 355
powers of, s 6, XI of 1871 ... 355
penalty on, for misconduct, s 7, XI of 1871 .. 355
certain persons who may be required to act as enumerators, s. 8, XI of 1871 356
duties of, in Calcutta, s. 183, IV of 1876 593
who may be required to act as, in Calcutta, s 185, IV of 1876 .. 594
to fill in forms for those who cannot write, s. 188, IV of 1876 ... 594

ESTABLISHMENT—
of district road cess committee, s. 64, X of 1871 ... 342
of manager and guardian under Court of Wards, ss 41, 60, IV of 1870 223, 228
of Port Commissioners, ss 18, 19, V of 1870 . 243, 244
of Hooghly and Burdwan Drainage Commissioners, s 37, V of 1871 309
for partitions, ss. 37, 38, VIII of 1876 ... ... 812, 813

ESTATE—
definition of, in Court of Wards' Act, s. 1, IV of 1870 213
sale of ward's, for arrear of revenue, ss 2, 4, 5, 6, IV of 1870 214, 215
acquired by disqualified proprietor, not to make him a ward of Court, unless it accrues by regular course of inheritance or will, s 4 IV of 1870 .. 214
acquired by disqualified proprietor, Board of Revenue may direct Court of Wards to take charge of, s. 4, IV of 1870 214
definition of, in Road Cess Act, s. 3, X of 1871 326
holder of, to make return under Road Cess Act under penalty, ss. 5, 6, X of 1871 . 327, 328
holder of, not to recover rent of lands not included in return lodged under Road Cess Act, s. 7, X of 1871 328
holder of, mode and time of payment of road cess by, ss. 21, 22, X of 1871 . 332, 333
definition of, in Embankment Act, s. 3, VI of 1873 ... 382
definition of, in Survey Act, s. 2, IV of 1875 ... . 481, 482
apportionment of expenses of erecting boundary marks among estates, ss. 24, 26, IV of 1875 489, 490
entry of, on General Registers, s. 23, VII of 1876 ... 772
definition of, in Land Registration Act, s. 3, VII of 1876 763
definition of, in Partition Act, s. 4, VIII of 1876 800
holder of, liable to pay public works cess, s. 5, II of 1877 . 847
definition of, in Provincial Public Works Act, s 9, II of 1877 ... 848

ESTIMATE -
of income and expenditure to be laid annually before Port Commissioners at a meeting, s 48, V of 1870 . 251
Port Commissioners may pass or reject, s 49, V of 1870 .. 251
passed by Port Commissioners to be approved by Lieutenant-Governor, s 50, V of 1870 251
Port Commissioners may make supplemental, s 51, V of 1870 251
of Port Commissioners to be made in pursuance of, except in case of pressing emergency, s 52, V of 1870 .. 251
of Hooghly and Burdwan Drainage Scheme, ss 10—17, V of 1871 303, 304
of expenditure and income under Howrah Bridge Act, ss 19—23, IX of 1871 . 318
of income and expenditure of district road cess committee, ss. 70—73, X of 1871 . . 343, 344
of income and expenditure of branch committee under Road Cess Act, ss. 80, 81 X of 1871 ... 346
of expenditure under Embankment Act, s 37, VI of 1873 . 393
of income and expenditure of Calcutta Corporation, s. 56, IV of 1876 . 564
of receipts and expenditure of mofussil municipalities, ss 64—68, V of 1876 670

EVASION—
of payment of toll under Canals' Act, s 10, V of 1864 . 32
of payment of fare for hackney carriage, s 36, V of 1866 .. 126, 127
of payment of Howrah Bridge toll, s. 29, IX of 1871 320

EVIDENCE—
of house being used as a common gaming-house, s 28, II of 1866, s 47, IV of 1866, *and* s. 6, II of 1867 ... 77, 101, 136
judgment in certain suits, not to be, in enquiry before Special Commissioner under Chota Nagpore Tenures' Act, s 24, II of 1869 . 172
Register under Chota Nagpore Tenures Act to be, of matters recorded therein, s. 26, II of 1869 ... 172
powers of taking, under Hooghly and Burdwan Drainage Act, s. 42, V of 1871 310
return under Road Cess Act admissible as, against person who made it, s. 94, X of 1871 319

EXCAVATIONS—
to be protected by mofussil municipal authorities, s 224, V of 1876 .. 707
may be prohibited in mofussil municipalities, s. 249, V of 1876 ... 713

EXCISE -
penalties under Excise Act, see PENALTY.
manufacture of exciseable articles without license prohibited, s. 5, VII of 1878 874

EXCISE—(*contd.*)
cultivation without license of plants from which intoxicating drugs are produced, prohibited, s. 5, VII of 1878 874
construction and working of brewery without license prohibited, s. 6, VII of 1878 874
European distilleries not to be constructed or worked without license, s. 7, VII of 1878 874
Board of Revenue may prescribe rules for European distilleries and for breweries, s. 8, VII of 1878 ... 875
Collector may establish, &c, native distilleries, s. 9, VII of 1878 ... 875
Board of Revenue may make rules for native distilleries, s. 10, VII of 1878 875
exciseable articles not to be sold without license, s. 11, VII of 1878 ... 875
fee for wholesale license, s. 12, VII of 1878 875
wholesale license to be current only in the district in which it is granted, s. 12, VII of 1878 875
travelling merchants may be authorized to sell by wholesale in different districts without taking out fresh license, s. 12, VII of 1878 ... 876
fee for retail license, s. 13, VII of 1878 876
Local Government may suspend operation of provisions relating to tari, s. 14, VII of 1878 ... 876
wholesale and retail sale defined, s. 15, VII of 1878 876
no wholesale vendor to sell by retail, and no retail vendor to sell by wholesale, s. 15, VII of 1876 ... 876
sale of assortment of liquors, s. 15, VII of 1878 876
Board of Revenue may define assortment, s. 15, VII of 1878 ... 877
Board of Revenue may determine what is to be a retail sale of article included by local Government in definition of intoxicating drugs, s. 15, VII of 1878 877
restriction of sale of ganja and bhang, s. 16, VII of 1878 877
illegal possession of exciseable article, s. 17, VII of 1878 877
removal of spirituous liquor from distillery, s. 18, VII of 1878 ... 877
spirituous liquor from foreign territory liable to duty, s. 19, VII of 1878 877
Collector may farm out duties leviable on the retail sale of exciseable articles, s. 20, VII of 1878 ... 878
Board may prescribe rules as to farming of duties, s. 21, VII of 1878 ... 878
farmer may make his own arrangements with manufacturers and vendors, s. 22, VII of 1878 ... 878
farmer to file a list of licenses in Collector's office, s 23, VII of 1878 878
Collector may make restrictions as to grant of licenses, s. 23, VII of 1878 878
Collector may cancel lease, s. 24, VII of 1878 878
compensation to farmer for loss sustained by cancelment of lease, s. 24, VII of 1878 878
recovery of arrear of fee or duty by farmer, s. 25, VII of 1878 ... 878
licensees to execute counterpart engagement and give security, s. 26, VII of 1878 878
duration and renewal of license, s. 27, VII of 1878 879
Board of Revenue may regulate form and conditions of licenses, s. 28, VII of 1878 879
when Collector may cancel license, s. 29, VII of 1878 879
holder of cancelled license not entitled to refund of fee paid in advance, s. 29, VII of 1878 879
in case of recall of license notice and compensation to be given, and fee paid in advance to be refunded, s. 29, VII of 1878 879
licensed vendor may surrender his license on giving notice and paying a certain sum, s. 30, VII of 1878 ... 879
District Collectors to have charge of Excise Revenue, s. 31, VII of 1878 880
proceedings of Collectors subject to revision of Commissioners, s. 31, VII of 1878 880
proceedings of Collectors and Commissioners subject to revision of the Board of Revenue, s. 32, VII of 1878 880
Local Government may appoint Superintendent and Commissioners of Excise, ss. 32, 33, VII of 1878 ... 880
Collectors may appoint excise officers, s. 34, VII of 1878 880
Board of Revenue may regulate supply of tari to licensed vendors, s. 35, VII of 1878 880
Board of Revenue may regulate supply of intoxicating drugs to licensed vendors, s. 35, VII of 1878 ... 880
Board of Revenue may place cultivation, &c., of intoxicating drugs under supervision, s. 35, VII of 1878 881
recovery by Collector of arrear of fee or duty due on account of license, s 36, VII of 1878 881
power to enter and inspect shop, s. 37, VII of 1878 881
power to stop persons carrying exciseable articles liable to confiscation, s. 38, VII of 1878 881
power to arrest unlicensed distillers, &c., s. 39, VII of 1878 ... 881
power to search for exciseable articles, s. 40, VII of 1878 881
Local Government may confer certain powers of excise officers on officers of Police, Customs and Revenue Departments, s. 41, VII of 1878 ... 882
such powers may be exercised in Calcutta by police officers, s. 42, VII of 1878 882

EXCISE—(*contd.*)
certain powers conferred on Collector may be exercised by the Commissioner of Police for Calcutta, s. 42, VII of 1878 882
power to arrest persons drinking, and seize liquors drunk on premises of chemist, s. 43, VII of 1878 ... 882
excise officers to report arrest, &c., and take person arrested, or article seized before Magistrate, s. 44, VII of 1878 883
police officer in Calcutta to make report to Commissioner of Police, s. 45, VII of 1878 883
Commissioner of Police to inform Collector of arrest or seizure, s. 45, VII of 1878 883
Collector may issue warrant of arrest in certain cases, s. 46, VII of 1878 883
Collector may issue search-warrant, s. 47, VII of 1878 883
execution of search-warrant, s. 47, VII of 1878 883
procedure when arrest or seizure is made under Collector's warrant, s. 48, VII of 1878 883
Magistrate when to issue summons requiring attendance of accused person, s. 49, VII of 1878 ... 883
seizure and disposal of exciseable articles unlawfully sold, s. 50, VII of 1878 884
search of zenana, s. 51, VII of 1878 ... 884
police officers required to assist excise officers, s. 52. VII of 1878 ... 884
confiscation and disposal of exciseable articles, ss 75, 76, VII of 1878 .. 889
division of fine among informers, s. 77, VII of 1878 889
compensation for annoyance or injury, s. 77, VII of 1878 889
Board of Revenue may grant rewards to informers, &c., s. 78, VII of 1878 889
Board of Revenue may out of fines grant rewards to informers or compensate persons subjected to annoyance or injury, s. 79, VII of 1878 ... 889
licenses and search in military cantonments, ss. 80, 81, VII of 1878 ... 890
Local Government may exempt liquor from provisions of Act, s. 82, VII of 1878 890
appeals, s. 83, VII of 1878 ... 890
local government may assign certain functions to municipalities, s. 84, VII of 1878 890

EXCISE OFFICERS, see EXCISE.

EXCISEABLE ARTICLES, see EXCISE.

EXECUTION—
in rent suits, not to be issued simultaneously against person and property, s. 17, VI of 1862, *and* s. 57, VIII of 1869 ... 14, 195
in rent suits, may be issued on oral or written application, s. 17, VI of 1862 15
form of, in suits for rent, against person or moveable property, s. 17, VI of 1862 15
of warrants by police officers, s. 25, IV of 1866 ... ... 96, 97
Court to give immediate possession in certain suits under Rent Act, s. 53, VIII of 1869 .. 194, 195
not to be stayed pending appeal, s. 54, VIII of 1869 ... 195
Court may grant pottah, if person required by the decree refuses to grant it, s 55, VIII of 1869 ... 195
if person required by decree refuses to execute kabuliat, decree to be evidence of amount of rent claimable by such person, s. 56, VIII of 1869 ... 195
in certain cases not to be issued till three years after date of judgment, s 58, VIII of 1869 195
of decree for arrear of rent due in respect of transferable under-tenure, s. 59, VIII of 1869 ... 195, 196
transferable under-tenures not to be sold while execution against person or moveable property of judgment-debtor is in force, s 61, VIII of 1869 196
stay of sale of under-tenure, ss. 62, 63, VIII of 1869 196
of decree given in favor of sharers of joint undivided estate or tenure, s. 64, VIII of 1869 197
of decree for payment of money by proceeding against immoveable property of debtor, s. 65, VIII of 1869 197
of decree passed after completion of partition, s. 28, VIII of 1876 ... 810

EXEMPTION—
from liability to pay zemindary dak assessment, s. 8, VIII of 1862 ... 19
of inflammable oils belonging to Government from operation of Bengal Act III of 1865 54
of steam vessels from necessity of having certificated engineer, s. 13, I of 1868 150
from inspection of Pooree Lodging-house, s. 11, IV of 1870 ... 292
from payment of tolls and fees for Howrah Bridge of passengers and goods conveyed on East Indian Railway, ss. 3, 4, IX of 1871 314, 315

EXPENDITURE—
of Port Commissioners, estimate of, s. 48, V of 1870 251
for Hooghly and Burdwan drainage scheme, report of, s 19, V of 1871 305
for Hooghly and Burdwan drainage scheme, apportionment of, ss. 21—24 V of 1871 . ... 305, 306
for Howrah Bridge, estimate of, s. 19, IX of 1871 318
of District Road Cess Committee, estimate of, s. 70, X of 1871 ... 313
of Calcutta Corporation, budget of, s. 57, IV of 1876 564

EXPENSES—
of removal of obstruction on line of navigation, s. 14, V of 1864 ... 33
repayment of, to judgment-creditor, in case of sale of under-tenure, s. 12, VIII of 1865 63
of witness summoned before Bengal Council, s 4, III of 1866 ... 86
of sale of distrained property, recovery of, s. 92, VIII of 1869 ... 203
of education of minor wards, defrayment of, s. 66, IV of 1870 . 229
of works under Pooree Lodging-house Act, s. 34, IV of 1871 295
of construction of Hooghly and Burdwan Drainage Works, what included in, s. 38, V of 1871 309, 310
of valuation made by Collector under Road Cess Act, ss. 11, 12, 13, 32, 34, X of 1871 . 330, 331, 336
of raising wreck may be recovered by Port Commissioners, s. 3, III of 1872 369
of alteration or construction of water-course, s. 4, VI of 1873 ... 384
of alteration of rail-road or construction of water-course under it, s 19, VI of 1873 ... 387
of making temporary roadway or dam, s 20, VI of 1873 388
of detention of emigrant on journey, recovery of, ss 77, 79, VII of 1873 449
of detention of sick emigrant at civil station, recovery of, s. 82, VII of 1873 450
of providing for disembarked emigrants, recovery of, s 83, VII of 1873 451
of restoring deserting laborer to be paid by employer, s. 126, VII of 1873 464
of further enquiry under Survey Act, s 12, IV of 1875 .. 486
of repair of boundary marks, ss. 18, 20, IV of 1875 488, 489
of erecting boundary marks, provisional apportionment of, s. 24, IV of 1875 489
of erecting boundary marks, final apportionment of, s. 26, IV of 1875 . 490
of restoring damaged boundary mark may be recovered from occupants of conterminous lands, s. 56, IV of 1875 ... 499
of removing obstruction of river, &c, deemed to be a demand, s. 42, III of 1876 527
of Calcutta Municipal elections, s. 17, IV of 1876 ... 551
of removal of obstruction in public street, s 199, IV of 1876 596
of altering new street, s. 200, IV of 1876 597
of paving street, s. 202, IV of 1876 . 597
of altering doors, &c, opening on public streets, s. 206, IV of 1876 598
of removing projection in front of house, s. 208, IV of 1876 ... 599
of trimming hedges and trees overhanging public street, s. 212, IV of 1876 600
of making drain into sewer, ss. 217, 222, IV of 1876 . 601, 603
of altering drain made without consent of municipal authorities, s. 220, IV of 1876 602
of draining group or block of houses, s. 225, IV of 1876 ... 603
of providing traps for sewers, s. 226, IV of 1876 603
of altering branch-drains, privies, and cess-pools, ss. 228, 229, IV of 1876 604
of opening drain, privy, or cess-pool, s. 231, IV of 1876 605
of securing and cleaning untenanted house, s 240, IV of 1876 .. 607
of constructing additional privies, s. 246, IV of 1876 ... 609
of altering situation of gas-works, s. 253, IV of 1876 610
of filling up tank, &c., s 257, IV of 1876 611
of draining tank, &c., s 259, IV of 1876 611
of protecting dangerous places, s. 262, IV of 1876 612
of pulling down house in a ruinous state, s. 266, IV of 1876 ... 613
of altering house built contrary to municipal regulations, s 270, IV of 1876 614
of pulling down house erected over sewer, s. 274, IV of 1876 ... 615
of making drains for new house, s 276, IV of 1876 615
of removing huts built without notice, s. 278, IV of 1876 616
of carrying out works with respect to blocks of huts, ss. 282, 286, IV of 1876 ... ... 617, 618
of executing alterations in market, s 321, IV of 1876 627
under Calcutta Municipal Act to be determined by Small Cause Court, s. 353, IV of 1876 635
of works executed by municipal authorities in default of owner or occupier, may be recovered as a rate, ss. 353, 365, IV of 1876 635, 638
of improvements to private property, by municipal authorities, recovery of, s. 372, IV of 1876 648
incurred in construction of toll-bars, to be published by mofussil municipal authorities, s 150, V of 1876 691
apportionment of, among owners and occupiers, ss. 185, 186, V of 1876 ... 699
recovery of, in mofussil municipality, s. 187, V of 1876 699
of municipal work, when to be paid by owners or occupiers, s. 184, V of 1876 699
of municipal work, when to be paid by owners and occupiers, s. 184, V of 1876 699
of sanitary measures with regard to blocks of huts, may be recovered by instalments, s. 266, V of 1876 . 717
of division of lands held in common, s 112, VIII of 1876 .. 833
of constructing latrine in first-class municipality, s. 14, VI of 1878 ... 868

EXPLOSION—
on steam vessels, investigation of, s 6, I of 1868 ... 149

EXTENSION—
of period allowed for registry of under-tenures and forms, III of 1862 ... 1
of Canals' Act to certain canals and rivers, s 30, V of 1864 .. 30
of Act relating to fire in ports and to inflammable oils to port of Calcutta, s. 2, III of 1865 51
of Act for prohibiting inoculation, s. 3, IV of 1865 55
of Act for slaughter-houses, s. 9, VII of 1865 61
of Hackney Carriage and Palankeen Act, s. 54, V of 1866 132
of Gambling Act, s. 2, II of 1867 . 134
of time for revenue sales and their confirmation, ss 3, 4, VII of 1868 ... 157
of Act for prohibiting cruelty to animals, s. 10, I of 1869 ... 166, 167
of Landlord and Tenant Act, s. 106, VIII of 1869 207
of Village Chowkeedarce Act, s. 68, VI of 1870 284
of Pooree Lodging-house Act, s. 39, IV of 1871 298
of Road Cess Act, s. 1, X of 1871 325, 326
of time for making return of lands and profits under Road Cess Act, ss. 6, 29, X of 1871 . 328, 335
of Act for registration of Mahomedan marriages and divorces, s. 1, I of 1876 504
of District Municipal Improvement Act and District Towns' Act, s. 3, V of 1876 .. . 651, 652
of Bengal Municipal Act to Assam, s. 3, V of 1876 653
of Part VII of Chapter II of Bengal Municipal Act, s. 234, V of 1876 ... 709

EXTENT OF INTEREST—
definition of, in Land Registration Act, s. 3, VII of 1876 ... 763

EXTORTION—
of rent by duress prohibited, s. 13, VIII of 1869 183

FALSE EVIDENCE—
powers of officers under Partition Act with regard to, s. 148, VIII of 1876 844

FALSE WEIGHTS AND MEASURES—
seizure of, s. 56, IV of 1866 103

FAMINE LOANS—
sum payable in respect of, deemed to be a demand within the meaning of Bengal Act VII of 1878, s. 1, IV of 1875 477
recovery by land holders of money for which they have become security, s 2, IV of 1875 477

FARE—
for hackney carriages and palankeens, see HACKNEY CARRIAGE, PALANKEEN, PENALTY.

FARM—
of excise duties, see EXCISE.
of tolls under Canals' Act, s. 8, V of 1864 31
of estate of minor ward, s. 6, IV of 1870 215
of wards' estate, not to exceed a certain term, s. 9, IV of 1870 ... 216
of wards' estate, application of proceeds, s 7, IV of 1870 ... 216
of tolls, fees, &c, by Port Commissioners, illegal without consent of Lieutenant-Governor, s. 33, V of 1870 247

FARMER—
of excise revenue, see EXCISE.
arrears due from sureties of, deemed to be a demand recoverable as arrear of revenue, s 1, VII of 1868 ... 155
certificate to be made of arrears of revenue payable by, s. 16, VII of 1868 161
liability of, to have lease cancelled for arrear of rent, s. 23, VIII of 1869 185
holding tenure in wards' estate subject to what laws, s. 75, IV of 1870 231
bound to preserve boundary marks, s. 19, IV of 1875 488

FATHER—
to give information of birth of child, s. 7, IV of 1873 373

FEE—
for trades' license, see TRADES' LICENSE TAX
under Excise Act, see EXCISE.
for filing application under s. 10 or 11 of Act XI of 1859, Schedule III of 1862 2
for filing application for deposit under s. 15 of Act XI of 1859, Schedule III of 1862 2
for interest on Government Securities so deposited, Schedule III of 1862 2
for filing application for withdrawal of deposit under s. 16 of Act XI of 1869, Schedule III of 1862 2
for filing application under s. 40, 43, or 44 of Act XI of 1859, Schedule III of 1862 2
for survey of steam vessel, ss, 10, 14, V of 1862, *and* s. 5, I of 1868 5, 6, 7, 148
penalty on surveyor of steam vessel, for receiving illegal, s. 9, V of 1862 4
for survey of steam vessels, recovery of, s 15, V of 1862 .. . 6
of agent or mooktear in rent suits, s. 14, VI of 1862 14
for certificate for use of boilers or prime mover, s. 5, VI of 1864 ... 36

FEE—(*contd.*)
recognizance under Suburban Police Act to be taken without, s. 47, II of 1866 83
for certificate or license granted by Commissioner of Police, s. 24, II of 1866 76
for redemption of impounded stray animal, s. 71, IV of 1866 ... 108
for registration of hackney carriage, s. 6, V of 1866 118
for license to act as palankeen bearer, s. 48, V of 1866 ... 129
for registration of palankeens, s. 43, V of 1866 128
for engineer's certificate of service, s 10, I of 1868 149
for applicants for engineers' examination, s. 8, I of 1868 149
for inspection of certificate under Bengal Act VII of 1868 ... 163
to Chairman and Vice-Chairman of Port Commissioners for attendance at meetings, s. 16, V of 1870 ... 243
for inspection of Port Commissioners' accounts, s. 53, V of 1870 ... 252
additional, when two surveyors employed to survey steam vessel, s. 1, III of 1871 288
for certificate and license for Pooree lodging-house, s. 8, IV of 1871 ... 291
application of, under Pooree Lodging-house Act, s. 22, IV of 1871 ... 294
on goods and passengers conveyed on East Indian Railway to and from Howrah for Howrah Bridge, s. 4, IX of 1871 ... 314, 315
not required for inspection of minute book of District Road Cess Committee, s. 61, X of 1871 ... 341
for obtaining copy of extract from minute book of District Road Cess Committee, s. 61, X of 1871 341, 342
for members of special committee on jute warehouses, s. 5, II of 1872 ... 359
for letting off rockets or sending up fire-balloons, s. 19, II of 1872 ... 364
for sale and manufacture of fire-works, s. 20, II of 1872 364
not to be demanded for registration of births and deaths, s. 5, IV of 1873 373
penalty on registrar for demanding, for registration of birth or death, s. 9, IV of 1873 374
for registration of emigrant engaged by garden-sirdar, s. 23, VII of 1873 435
for license to contractor for emigrants, s. 33, VII of 1873 437
for license to recruiter of emigrants, s. 38, VII of 1873 438
for registration of emigrant engaged by recruiter, s. 43, VII of 1873 ... 440
for license for emigrants' vessel, s. 62, VII of 1873 445
for license for jute warehouse may be altered, s. 3, II of 1875 ... 473
on change of occupation of jute warehouse, s. 4, II of 1875 ... 473
for license for jute warehouse out of Calcutta, s. 6, II of 1875 ... 474
for entry of Mahomedan marriage or divorce in register, s. 9, I of 1876 ... 503
for search in index of register of Mahomedan marriages and divorces, s. 16, I of 1876 505
for taking copy of entry in register of Mahomedan marriages and divorces, s. 16, I of 1876 505
for inspection of minutes of proceedings of Calcutta Corporation, s. 50, IV of 1876... 562
for registration of carts kept in Calcutta, the Suburbs, and Howrah, s. 83, IV of 1876 ... 569
for inspection of municipal assessment book, s. 112, IV of 1876 ... 577
for notice of municipal demand, s. 122, IV of 1876 580
on municipal distraints, s. 124, IV of 1876 580
for municipal arbitration as to cost or sufficiency of works for supply of water, s. 155, IV of 1876 ... 587
for night-soil establishment of Calcutta Corporation, s. 244, IV of 1876 ... 608
for license to milkman, &c., s. 247, IV of 1876 609
for license for suburban slaughter-houses, s. 288, IV of 1876 ... 619
for license of Tengrah slaughter-house, s. 288, IV of 1876 ... 619
for use of municipal market, s. 311, IV of 1876 624
for license for public necessary or slaughter-house, s. 359, IV of 1876 637
for permission to put up verandah, etc., s. 359, IV of 1876 .. 637
for permission to put up temporary erection in public street, s. 359, IV of 1876 637
on registration of carts, in Mofussil municipalities, s. 78, V of 1876 ... 674
for permission to keep pig-stye, etc., s. 292, V of 1876 723
for supplying extract from register of estates, etc., s. 75, VII of 1876... 788
scale of fees for making partitions, s. 47, VIII of 1876 815
for maintenance of latrine establishment in first-class municipality, s. 3, VI of 1878... 866
for licenses of nightmen in first-class municipalities, s. 13, VI of 1878 ... 868

FEMALE WARD—
inquiry into competency of, s. 21, IV of 1870 219
not to be brought into Court if a minor, s. 23, IV of 1870 219
only female to be appointed guardian of, s. 56, IV of 1870 227
none but a person of the same religion, if Hindoo or Mahomedan, to be appointed guardian of, except in the case of a testamentary guardian, s. 56, IV of 1870 227
may be empowered to receive her allowance, s. 57, IV of 1870 ... 227
no guardian to be appointed for, if she has an adult husband, s. 61, IV of 1870 228

FERMENTED LIQUOR—
definition of s. 4, VII of 1878 ... 874
See EXCISE.

FERRY, see PUBLIC FERRY, MUNICIPAL FERRY.

FESTIVAL—
use of music at native, license for, s. 39, II of 1866, *and* s. 62, IV of 1866 80, 105

FINE, see PENALTY.

FIRE—
assessment of house injured by, s. 107, IV of 1876 575
See FIRE BRIGADE.

FIRE-BRIGADE—
Calcutta Corporation to organize, s. 15, II of 1872 362
Calcutta Corporation may appoint and remove officers of, s. 15, II of 1872 362
Calcutta Corporation may frame bye-laws relating to, s. 16, II of 1872 .. 362
powers of officer in charge of, in cases of fire, s. 17, II of 1872 ... 363
police officers authorized to aid, s. 17, II of 1872 363
damage done by, to be deemed damage done by fire, s. 17, II of 1872 ... 363
officer of, not exempted from liability to damages on account of acts done without reasonable cause, s. 17, II of 1872 363
chief officer of, to report origin and cause of fire, to Magistrate, s. 18, II of 1872 363
payment for maintenance of, in Calcutta, the Suburbs, and Howrah, s. 25, II of 1872 365
Insurance Companies to contribute towards expenses of, s. 26, II of 1872 365
Calcutta Corporation to certify cost of, to Suburban Commissioners, s. 29, II of 1872 366

FIRE-WORKS—
license for sale and manufacture of, s. 20, II of 1872 364
penalty for sale and manufacture of, without license, s. 22, II of 1872 ... 364
penalty for letting off, without permission from Commissioner of Police, s. 40, II of 1866, *and* s. 66, IV of 1866 ... .. 81, 107

FIRM—
payment of trades' license tax by, s. 13, I of 1878 853

FIRST-CLASS MUNICIPALITY—
what is, s. 3, V of 1876 651
continuance of rates and taxes in, s. 7, V of 1876 656
conditions on which it may be created, s. 12, V of 1876 658
number of Commissioners of, s. 15, V of 1876 659
execution of contract by Commissioners of, s. 39, V of 1876 664

FISH—
regulations for sale of, s. 4, VII of 1865 59
unfit for food, seizure and destruction of, s. 4, VII of 1865 60

FISHING—
contrivance for removal of, s. 15, V of 1864 33

FISHERIES—
included in definition of tenure under Bengal Act VII of 1868 ... 155
arrears of revenue or rent payable to Government by person holding interest in, deemed to be a demand, s. 1, VII of 1868 156
rights of fishery under Hooghly and Burdwan Drainage Act, s. 40, V of 1871 310
compensation for right of fishery under Embankment Act, s. 30, VI of 1873 390

FLOOD-EMBANKMENT—
definition of, s 3, III of 1876 ... 516
See IRRIGATION.

FOREST-RIGHTS—
arrears of revenue or rent payable to Government by persons holding interest in, deemed to be a demand, s. 1, VII of 1868 156

FORFEITURE—
of license for dealing with inflammable oil, s. 11, III of 1865 52
of deposit by purchaser of under-tenure, s. 9, VIII of 1866 ... 63
of arrears of pay by Police Officer, s. 7, II of 1866, *and* s. 14, IV of 1866 ... . 71, 94
of excise and other license granted by Commissioner of Police, s. 23, *and* s. 40, IV of 1866 ... 76, 100
of gunpowder illegally manufactured and kept, ss. 34, 35, II of 1866, *and* ss. 57, 58, IV of 1866 ... 79, 103, 104
of license for sale or deposit of gunpowder, s. 35, II of 1866, *and* s. 58, IV of 1866... ... 79, 104

FORGERY—
powers of officers under Partition Act with regard to, s. 148, VIII of 1876. 844

FORT WILLIAM—
penalty for taking spirits, liquors or drugs into, without the license of the Commanding Officer, s. 33, IV of 1866 ... ...97, 98

FREIGHT—
lien for, of shipowner to have priority over Port Commissioners' lien for tolls, s. 68, V of 1870 258
lien for, preserved if notice given to Port Commissioners, s. 70, V of 1870 259
lien for, sale of goods if not discharged, s. 72, V of 1870 260

FURNACE—
in Calcutta and Suburbs to consume its own smoke, s. 1, II of 1863 ... 21
penalty for using, if it does not consume its own smoke, s. 2, II of 1863 21
inspection of, s. 3, II of 1863 ... 22
in jute warehouse, s. 7, II of 1872 ... 360

GAMBLING, GAMING, see COMMON GAMING-HOUSE, POLICE.

GAMING-HOUSE, see COMMON GAMING-HOUSE, POLICE.

GANJA—
wholesale and retail sale of, s. 15, VII of 1878 876
restriction of sale of, s. 16, VII of 1878 877
See EXCISE.

GARDEN-SIRDAR—
definition of, s. 3, VII of 1873 ... 429
See EMIGRATION TO LABOR DISTRICTS.

GARDENS—
partition of, s. 90, VIII of 1876 ... 826

GAS-WORK—
owner of, in Howrah may be required to raise, etc., s. 11, V of 1873 ... 378
in default of owner, Municipal Commissioners of Howrah may raise, etc., s. 12, V of 1873 378
owner of, to pay expenses of municipal examination, if water has been fouled by, s. 159, IV of 1876 588

GATE—
forming part of Government embankment or water-course, to vest in Government, s. 34, VI of 1873 ... 391

GENERAL REGISTER, see LAND REGISTRATION.

GHAT—
Commissioner of Police to make rules for keeping order at, s. 39, II of 1866 80
See BATHING GHAT, WHARVES.

GHATWAL—
included in definition of road-patrol, s. 2, VIII of 1878 894

GOATS—
license for keeping, s. 247, IV of 1876 609
not more than 20 to be kept without the permission of the municipal authorities, s. 250, IV of 1876, *and* s. 292, V of 1876 ... 609, 723

GOMASTAH—
when to be deemed recognized agent of employer in rent suits, s. 32, VIII of 1869 188
when may exercise power of distraint, s. 70, VIII of 1869 ... 199
penalty on, for conniving at unlawful sale or manufacture of exciseable articles, s. 65, VII of 1878 ... 887

GORAIT—
included in definition of village policeman, s. 2, VIII of 1878 ... 894

GOVERNMENT SECURITIES—
investment of surplus income of Calcutta municipality in, s. 337, IV of 1876 632
investment of surplus of ward's income in, s. 50, IV of 1870 225
purchased by Court of Wards, to be deposited in public treasury, s. 50, IV of 1870 226
manager or guardian of ward must deliver to Collector, s. 50, IV of 1870 226
interest on, to be paid to manager and accounted for by him, s. 50, IV of 1870 226
investment of Port Commissioners' surplus income in, s. 45, V of 1870. 250
investment of surplus income under Howrah Bridge Act in, s. 18, IX of 1870 318
investment of Mofussil municipal funds in, s. 75, V of 1876 ... 673

GRAVE—
in church or chapel, not to be made without municipal license, s. 305, IV of 1876 622

GUARDIAN—
payment of trades' license tax by, s. 26, I of 1878 856
See COURT OF WARDS.

GUNDUCK—
river embankments on right bank of, to be maintained by zemindars in district of Sarun, ss. 44, 45, VI of 1873 ... ... 395, 396

GUNPOWDER—
penalty for manufacture of, and for sale of, without license from Commissioner of Police, s. 34, II of 1866, *and* s. 57, IV of 1866... 79, 103
Commissioner of Police may grant license for sale, deposit, and removal of, ss. 35, 36, II of 1866, *and* ss. 58, 59, IV of 1866 ... 79, 103, 104
penalty for breach of condition of license relating to, s. 35, II of 1866, *and* s. 58, IV of 1866 ... 79, 104
Commissioner of Police may issue warrant to search for, s. 37, II of 1866, *and* s. 60, IV of 1866 79, 104
belonging to Government, exempted from operation of Police Acts, s. 38, II of 1866, *and* s. 61, IV of 1866 80, 104
penalty for conveying, without license, s. 36, II of 1866, *and* s. 59, IV of 1866 ... ... 79, 104

HACKERY—
with insufficiently greased wheels, penalty for driving, s. 40, II of 1866, *and* s. 66, IV of 1866 81, 107

HACKNEY CARRIAGE—
not to be kept in Calcutta without municipal license, s. 247, IV of 1876 609
to be annually registered, s. 2, V of 1866 116
registering officer to be under control of Commissioner of Police, s. 2, V of 1866 116
Local Government may empower Calcutta Corporation to appoint registering officer, s. 2, V of 1866 117
time and duration of registry, s. 3, V of 1866 117
license to be delivered to owner of, s. 3, V of 1866 117
particulars and duration of license, s. 3, V of 1866 117
application for registry of, s. 4, V of 1866 117
what carriages to be registered under first class, s. 4, V of 1866 117
form of register and license, s. 5, V of 1866... ... ... 117, 118
fee for registration of, s. 6, V of 1866 118
registering officer may compound with persons keeping carriages of the first class, s. 8, V of 1866 ... 118
notice to be given on change of ownership of, under penalty, s. 9, V of 1866 118
owners and drivers of, to give notice of change of residence, s. 10, V of 1866 118
registering officer to enter change of residence and ownership without fee, s. 11, V of 1866 118
penalty on proprietor of, for not registering, s. 12, V 1866 118
sale of, on non-payment of fine, s. 12, V of 1866 119
plate to be affixed to, s. 13, V of 1866 119
penalty for letting, without proper plate, s. 14, V of 1866 ... 119
owner entitled to have new plate, on loss or obliteration of former one, s. 15, V of 1866 119
lost plate, if found, to be delivered to registering officer, under penalty, s. 15, V of 1866 119
penalty on owner for not delivering up plate on expiration of registration, s. 16, V of 1866 120
person may be prosecuted for neglect to deliver up plate twelve months after expiration of registration, s. 16, V of 1866 120
penalty for fraudulently using counterfeit plate, s. 17, V of 1866 ... 120
drivers of, to be licensed, s. 18, V of 1866 120
particulars and duration of driver's license, s. 18, V of 1866 ... 120
penalty on driver not having license or lending license, s. 19, V of 1866 120
penalty on owner for suffering unlicensed person to act as driver, s. 20, V of 1866 121
certified copies of particulars of driver's license to be furnished on payment of fee, s. 21, V of 1866 ... 121
driver of, to wear a metal ticket, under penalty, s. 22, V of 1866 ... 121
drivers entitled to new ticket on loss or obliteration of former one, s. 23, V of 1866... 121
penalty for neglect to deliver up ticket which has been found, and for using defaced ticket, s. 23, V of 1866 ... 122
penalty on driver neglecting to deliver up ticket, lending ticket, etc., s. 24, V of 1866... 122
penalty for fraudulently using counterfeit ticket, s. 25, V of 1866 ... 122
penalty on driver failing to produce license, s. 26, V of 1866 ... 123
Magistrate may revoke or suspend driver's license on his conviction of any offence, s. 27, V of 1866 ... 123
penalty on driver for neglecting to deliver up license and ticket to Magistrate, s. 27, V of 1866 ... 123
Magistrate to send revoked or suspended license to registering officer, s. 27, V of 1866 123
fares for carriages of the second and third class, s. 28, V of 1866 123, 124
driver to be bound by contract for less payment than is fixed by the Act, s. 28, V of 1866 124
owner to keep table of fares inside carriages of second and third class, under penalty, s. 29, V of 1866 124
to what distance driver to be bound to drive, s. 30, V of 1866 ... 124
extra fare must be paid for extra rate of speed, s. 30, V of 1866 ... 124
penalty for driving too slow or not driving to place required, s. 30, V of 1866 124
driver of first and second class carriage to carry reasonable quantity of luggage, s. 31, V of 1866 125
penalty for refusing to let a carriage for hire, s. 32, V of 1866 ... 125
penalty in case of drunkenness or misconduct of driver, demanding more than proper fare, etc., s. 33, V of 1866 ... ...125, 126
penalty on drivers absenting themselves from their employment, s. 34, V of 1866 126
proprietor of, may be summoned to appear and produce drivers, s. 35, V of 1866 126
when complaint may be heard in absence of owner and driver, s. 35, V of 1866 126
penalty for refusing or evading payment of legal fare, s. 36, V of 1866 ... ... 126, 127
penalty for destroying table of fares, s. 37, V of 1866 127
penalty for wilful injury to carriage, s. 38, V of 1866 127
disputes how to be settled, s. 40, V of 1866 127
table of distances signed by registering officer conclusive, s. 40, V of 1866... 127
second and third class carriages may ply as stage carriages, s. 41, V of 1866 127

HACKNEY CARRIAGE—(*contd.*)
registering officer to appoint public stands, s 42, V of 1866 ... 128
property left in carriage to be deposited at Police Office, under penalty, s. 50, V of 1866 130
property to be returned to owner on payment of expenses and compensation to drivers, s. 50, V of 1866 ... 130
property may be sold if not claimed within a year, s. 50, V of 1866 ... 130
adjudication and recovery of penalties, s. 51, V of 1866 ... 130, 131
amendments for frivolous complaints, s. 52, V of 1866 131
definition of Magistrate, s. 53, V of 1866 131
definition of hackney carriage, stage carriage, and horse, s. 53, V of 1866 ... ... 131, 132
Lieutenant-Governor may extend Hackney Carriage and Palankeen Act, s. 54, V of 1866 132
places to which Hackney Carriage and Palankeen Act has been extended, s. 54, V of 1866 132
table of rates and fares for, Schedule A, V of 1866 132

HARBOUR MASTER—
Port Commissioners not to be answerable for default of, s. 1, III of 1872 368

HAWSER—
Port Commissioners not to be responsible for damage caused by defect in, s. 1, III of 1872 369

HAZARIBAGH AND LOHARDUGGA RURAL POLICE—
Deputy Commissioner to determine number of village policemen for each village, s. 3, VIII of 1878 ... 894
two village policemen to be appointed for every village in which there are 150 houses, s. 3, VIII of 1878 ... 894
one additional village policeman to be appointed for every complete number of 100 houses beyond 150, s. 3, VIII of 1878 894
when Deputy Commissioner may appoint one village policeman for two or more villages, s. 4, VIII of 1878 894
one village policeman not to have charge of more than 125 houses, s. 4, VIII of 1878 894
Deputy Commissioner to determine monthly salaries of village policemen, s. 5, VIII of 1878 ... 895
salaries not to be less than Rs. 2 nor more than Rs. 3 a month, s. 5, VIII of 1878 895
Deputy Commissioner in fixing salary to take into consideration value of chakran lands held by a village policeman, s. 5, VIII of 1878 ... 895
certain zemindars and under-tenure-holders liable to pay salaries of village policemen, s. 6, VIII of 1878 895
salaries when to be raised by assessment, s. 7, VIII of 1878 ... 895
owners and occupiers of houses liable to assessment, s. 7, VIII of 1878 ... 895
zemindar or under-tenure-holder who has a bhandar within the village, liable to assessment, s. 7, VIII of 1878 895
Deputy Commissioner to fix amount payable by each village, s. 8, VIII of 1878 895
headman to prepare a list showing amount payable monthly by each person, s. 8, VIII of 1878 ... 895
approval and publication of list, s. 8, VIII of 1878 895
in default of headman Deputy Commissioner may cause list to be prepared, s. 8, VIII of 1878 ... 895
principle on which assessment is to be made, s. 9, VIII of 1878 ... 896
assessment not to exceed Re. 1 per mensem on zemindar, under-tenure-holder, or trader, nor 8 annas on ordinary ryot, s. 9, VIII of 1878 ... 896
persons who are too poor to pay half an anna per mensem, to be exempted, s. 9, VIII of 1878 896
Deputy Commissioner may alter assessment, s. 10, VIII of 1878 ... 896
notice of alteration to be given to the headman of the village, s. 10, VIII of 1878 896
when alteration is made, headman to prepare and submit revised lists, s. 10, VIII of 1878 896
application to Deputy Commissioner for revision of assessment, s. 11, VIII of 1878 896
assessment payable monthly or quarterly in advance, s. 12, VIII of 1878 896
headman to collect assessment and pay salaries of village policemen, s. 13, VIII of 1878 896
Deputy Commissioner may permit headman to retain a sum for costs of collection, s. 13, VIII of 1878 ... 896
if salary of village policeman is unpaid, Deputy Commissioner may attach zemindaree or under-tenure, s. 14, VIII of 1878 896
zemindar or under-tenure-holder who has paid arrears of salary, may apply to Deputy Commissioner for attachment and sale of property of person who has not paid assessment, s. 15, VIII of 1878 897
Deputy Commissioner may authorize headman to distrain for arrears, s. 16, VIII of 1878 897
execution of distress and time of sale, s. 17, VIII of 1878 897
sale and application of proceeds, s. 18, VIII of 1878 897
defaulter disputing liability may apply to the Deputy Commissioner, s. 19, VIII of 1878 897
distress not to be made after a year, s. 20, VIII of 1878 898
irregularities not to avoid distress, s. 21, VIII of 1878 898

HAZARIBAGH AND LOHARDUGGA RURAL POLICE—(*contd.*)
persons aggrieved by irregularities may recover satisfaction in competent Court, s. 21, VIII of 1878 ... 898
duties of village policeman, s. 22, VIII of 1878 898
procedure on arrest by village policeman, s. 23, VIII of 1878 ... 899
Deputy Commissioner to prepare list of zemindars or under-tenure-holders liable for maintenance of road-patrols, s. 24, VIII of 1878 ... 899
number and salary of road-patrols, s. 24, VIII of 1878 899
salary of road-patrol, not to be less than Rs. 3, nor more than Rs. 5 per mensem, s. 24, VIII of 1878 ... 899
copy of entry in list to be given to each zemindar or under-tenure-holder, s. 25, VIII of 1878 ... 899
zemindar and under-tenure-holder when entitled to receive rent for land held by road-patrol, s. 26, VIII of 1878 899
zemindar and under-tenure-holder to pay amounts to District Superintendent of Police, s. 27, VIII of 1878 899
District Superintendent of Police to pay salaries of road-patrols, s. 27, VIII of 1878 900
Deputy Commissioner to serve notice on defaulting zemindar or under-tenure-holder, s. 28, VIII of 1878... 900
in default of payment, Deputy Commissioner may attach zemindaree or under-tenure, s. 29, VIII of 1878 900
duties of road-patrols, s. 30, VIII of 1878 900
appointment and dismissal of village policeman or road-patrol, s. 31, VIII of 1878 900
village policeman and road patrol not to withdraw from duties or resign without permission, s. 32, VIII of 1878 900
penalty for misconduct or neglect of village policeman or road-patrol, s. 33, VIII of 1878 901
limitation of suits against Deputy Commissioner, etc., s. 34, VIII of 1878 901
Local Government may appoint officer to perform functions of Deputy Commissioner, s. 35, VIII of 1878 901
service of notices, s. 36, VIII of 1878 901
certain liabilities of zemindars not affected, s. 37, VIII of 1878 ... 901

HEADMAN—
definition of, s. 2, VIII of 1878 ... 894
See HAZARIBAGH AND LOHARDUGGA RURAL POLICE.

HEALTH OFFICER—
of Calcutta Corporation, appointment, removal and salary of, ss. 32, 35, IV of 1876 ... 556, 558
appointment of, under Pooree Lodging-house Act, s. 2, IV of 1871 ... 290
to certify sanitary condition of lodging-house, s. 5, IV of 1871 ... 291
certificate of, necessary before Magistrate can grant license for lodging-house, s. 6, IV of 1871 .. 291
to certify number of lodgers which house can safely accommodate, s. 6, IV of 1871 291
may inspect lodging-house, s. 10, IV of 1871 292
to record short report of inspection of lodging-house, s. 15, IV of 1871 ... 293
penalty for neglecting to clean drain after warning from, s. 30, IV of 1871 295
suit against, procedure in and limitation of, s 36, IV of 1871 ... 297
bye-laws to be made with assent of, s. 37, IV of 1871 297
appointment of, for Mofussil municipality, s. 48, V of 1876 ... 666

HEDGES—
overhanging public highway to be trimmed, s. 26, IV of 1871 ... 295
forming part of Government embankment or watercourse, to vest in Government, s. 34, VI of 1873 ... 391
overhanging public street, may be trimmed by municipal authorities, s. 212, V of 1876, *and* s. 222, V of 1876 ... ... 600, 707

HIGH COURT—
writ of certiorari not to be issued out of, to supersede proceeding before Justice of the Peace under Salt Act, s 38, VII of 1864 ... 49
approval by, of place for holding Court of Session, V of 1869 ... 173
provision as to review of judgment in Rent Act not to apply to, s. 103, VIII of 1869 206
infant and lunatic proprietors subject to jurisdiction of, not subject to Court of Wards, s. 2, IV of 1870 ... 213
lunatic proprietor not subject to jurisdiction of, powers of Court of Wards as to, s. 24, IV of 1870 219, 220
proprietor declared lunatic by, powers of Court of Wards as to, s. 25, IV of 1870 221
enquiry by Court of Wards when proprietor out of or within jurisdiction of, is deemed disqualified on ground of natural or acquired defect or infirmity, ss. 27, 28, IV of 1870 ... ... 220, 221
appeal to, from decision of District Judge under Irrigation Act, s. 24, III of 1876 522

HOLDER OF AN ESTATE OR TENURE—
definition of, in Road Cess Act, s. 3, X of 1871 327
See ROAD CESS, ESTATE, TENURE.

HOLDING—
rate on, see RATE ON HOLDINGS.
definition of, in Bengal Municipal Act, s. 6, V of 1876 654
definition of, in Bengal Act VI of 1878 865

HOOGHLY AND BURDWAN DRAINAGE—
Lieutenant-Governor may appoint Commissioners and Chairman, ss 4, 5, V of 1871 302
meetings of Commissioners and quorum, ss. 6, 7, 8, V of 1871 .. 302
votes at meetings and President's casting vote, s 9, V of 1871 303
scheme to be laid before Commissioners who are to publish notification, s 9, V of 1871 303
if half of the proprietors assent, Commissioners to proceed to consider scheme, s 11, V of 1871 . 303
Commissioners may proceed with portion of scheme, s. 12, V of 1871 . 303
Commissioners to lay scheme when adopted before Lieutenant-Governor, s 13, V of 1871 303, 304
Commissioners may, with consent of Lieutenant-Governor, re-consider and modify scheme, s. 14, V of 1871 .304
modification of scheme must be published and receive assent of half the proprietors, s 15, V of 1871 . 304
Lieutenant-Governor may acquire land for works in scheme, s. 16, V of 1871 304
Lieutenant-Governor may order improvements to be carried out and advance public funds for the purpose, s 17, V of 1871... 304, 305
Lieutenant-Governor may modify scheme after works have been commenced, s. 18, V of 1871 305
officer in charge of the works to report every three months to the Commissioners, s. 19, V of 1871 305
sums advanced from public funds to be certified, s. 19, V of 1871 ... 305
sums advanced to be re-paid by proprietor with interest at five per cent, s. 20, V of 1871 .. 305
Commissioners to apportion charges among proprietors, s. 21, V of 1871 305
charge on improved lands not to exceed value of improvement, s 22, V of 1871 306
Commissioners to publish report of apportionment, s. 23, V of 1871 306
in default of Commissioners, officer appointed by Lieutenant Governor to make apportionment and report, s. 24, V of 1871 . 306
mode of publication of report, s. 25, V of 1871 306
appeal to Commissioner of Division against apportionment, s. 26, V of 1871 .. . 306, 307
final determination of apportionment, s. 27, V of 1871 307
Collector to serve notice of apportionment, s. 28, V of 1871 . 307
order of Collector with reference to term of payment appealable to Commissioner, s 29, V of 1871 .. 307
sums to be recoverable from proprietors as arrears of revenue, s 30, V of 1871 ... 307, 308
recovery of unrealized portion of charge on improved land, s 31, V of 1871 308
proprietor may re-pay entire amount of principal at any time, s. 32, V of 1871 308
proprietors may recover proportion of payment from subordinate tenants, s 33, V of 1871 . 308
sum recoverable by proprietor from subordinate tenant, not to exceed increase in annual value of lands benefited, s 33, V of 1871 ... 309
recovery of sums by subordinate tenant from person holding temporary lease, s 34, V of 1871 . 309
drainage-works to be subject to the laws relating to embankments, s 35, V of 1871 . . 309
site of works to be vested in Collector in trust for proprietors, s. 36, V of 1871 .. 309
establishment of Commissioners, s 37, V of 1871 309
what constitutes expenses of construction, s 38, V of 1871 309, 310
expenses of maintenance to be payable in proportions of original contributions, s 39, V of 1871 310
rights of fishery, s 40, V of 1871 ... 310
powers of Commissioners when to cease, s 41, V of 1871 . 310
powers for taking evidence, s 42, V of 1871 310
in case of dispute, Commissioners may summarily determine the proprietorship of lands, s 43, V of 1871 .. 310
summary determination of proprietor to be final only for the purposes of this Act, s. 44, V of 1871 ... 311
service of notices, s 45, V of 1871 . 311
proceedings not to be invalidated by formal error, s. 46, V of 1871 ... 311

HORSES—
penalty for exposing for show or cleaning in unauthorized place, s 40, II of 1866, *and* s 66, IV of 1866 81, 106
penalty for leaving, without control, s 40, II of 1866, *and* s. 66, IV of 1866 ... ... 81, 106
penalty for taking upon foot-way, s 40, II of 1866, *and* s. 66, IV of 1866 ... .. 81, 107
penalty for washing, at bathing-place, s 40, II of 1866, *and* s 66, IV of 1866 ... ... 82, 107
sale of, with hackney carriage, for non-payment of fine, s 12, V of 1866 . 119
tax on, in Mofussil municipality, ss 78, 122, V of 1876 .. 674, 684
when exempted from Mofussil municipal tax, s. 122, V of 1876 .. 684

HOSPITAL—
may be vested in Municipal Commissioners, s 34, V of 1876 663
notice of death in, to be given by medical officer in charge, s. 174, IV of 1876 .. 592

HOSPITAL—(*contd.*)
municipal expenditure on, s. 333, IV of 1876, *and* s. 61, V of 1876 630, 669
penalty for taking spirits, liquors or drugs into, s. 34, IV of 1866 ... 98
person in charge of, may be required to act as census enumerator, s. 8, XI of 1871 356

HOSPITAL ACCOMMODATION—
employer bound to provide laborers with, s. 114, VII of 1873 ... 458

HOSPITAL DEPOT—
for emigrants, establishment and charge of, s. 37, VII of 1873 ... 438

HOSPITAL PORT-DUES—
owner of vessel may compound for, s. 14, III of 1867 141

HOTEL—
penalty for keeping, without license, s. 18, II of 1866, *and* s. 35, IV of 1866 ... ... 74, 98
keeper of, may be required to act as census enumerator, s. 8, XI of 1871 356

HOUSE—
liable to road cess, see ROAD CESS.
assessment of, see ASSESSMENT.
definition of, in Road Cess Act, s. 3, X of 1871... 326
definition of, in Calcutta Municipal Act, s 3, IV of 1876 546
untenanted, may be secured and cleaned by municipal authorities, s. 240, IV of 1876 607
may be set forward for improving line of public street, s. 264, IV of 1876 612
may be set back to the line of the street, s. 265, IV of 1876 ... 612
in a ruinous state, repair or demolition of, s. 266, IV of 1876, *and* s. 226, V of 1876 ... ... 613, 707
sale of materials of, s. 267, IV of 1876 613
must be built on plan approved by municipal authorities, ss. 268—271, IV of 1876, *and* ss. 257—260, V of 1876 ... ... 614, 715
boards to be set up during repairs of, s. 272, IV of 1876, *and* s. 272, V of 1876 ... ... 615, 714
not to be erected over sewer of drain without consent of municipal authorities, s. 274, IV of 1876 ... 615
to be built on a certain level for drainage purposes, s. 275, IV of 1876 615
drainage for new, s. 276, IV of 1876... 615
definition of, in Bengal Municipal Act, s. 6, V of 1876 654
projecting beyond regular line of road in Mofussil municipality, may be set back, s. 221, V of 1876 ... 706
liable to payment of public works cess, s. 7, II of 1877 848
definition of, in Provincial Public Works Act, s. 9, II of 1877 ... 848

HOUSE ACCOMMODATION—
employer bound to provide laborers with, s. 113, VII of 1873 ... 454

HOUSE-RATE—
not to exceed ten per cent of value of houses or lands, s. 88, IV of 1876... 571
payable by owner, s. 89, IV of 1876... 571
dates on which payable, s. 89, IV of 1876 572
remission of, when house is vacant, ss. 91, 92, IV of 1876 572

HOWRAH—
bridge between Calcutta and, see HOWRAH BRIDGE.
lighting of the town with gas, see HOWRAH LIGHTING RATE.
Act for consumption of smoke of furnaces in force in, s. 5, II of 1863 ... 22
Act for prohibition of inoculation by small-pox in force in, s. 2, II of 1863 55
application of balance of monies levied under Jute Warehouse and Fire Brigade Act, s. 25, II of 1872 ... 365
registration of carts kept in, s. 83, IV of 1876 569

HOWRAH BRIDGE—
Lieutenant-Governor may cause bridge to be constructed, s. 2, IX of 1871 314
Lieutenant-Governor may form a scale of tolls, s. 3, IX of 1871 ... 314
Lieutenant-Governor may exempt from payment of tolls certain things and persons, s. 3, IX of 1871 ... 314
Lieutenant-Governor may levy fees on goods and passengers conveyed on the East Indian Railway into and from Howrah, s. 4, IX of 1871 314, 315
Lieutenant-Governor may appoint person to collect tolls, s. 5, IX of 1871 315
Lieutenant-Governor may make bye-laws, s. 6, IX of 1871 315
penalty for infringement of bye-laws, s. 7, IX of 1871 315
bye-laws and tables of tolls to be printed and hung up at approaches to bridge, s. 8, IX of 1871 ... 315
East Indian Railway Company and Lieutenant-Governor may make arrangements for the collection of tolls by the company, s. 9, IX of 1871... 315
Lieutenant-Governor may advance sums out of public funds for the construction of the bridge, s. 10, IX of 1871 316
interest payable on sums advanced, s. 10, IX of 1871 316
Lieutenant-Governor to cause accounts to be kept, s 11, IX of 1871 ... 316
Lieutenant-Governor may appoint the Port Commissioners to carry out the purposes of the Act, s. 12, IX of 1871 316
Port Commissioners, when appointed, to exercise certain powers and duties of Lieutenant-Governor, s. 13, IX of 1871 316

HOWRAH BRIDGE—(*contd.*)
bridge and property procured for its construction to vest in the Port Commissioners, s. 13, IX of 1871 .. 317
property to be held in trust by Port Commissioners for purposes of the Act, s. 14, IX of 1871 317
indemnity to Port Commissioners ... 317
re-payment of principal sums due, s. 15, IX of 1871 317
payment of interest, s. 16, IX of 1871 317
Port Commissioners may re-pay principal before due date, s. 17, IX of 1871 ... ... 317, 318
Port Commissioners may invest surplus income in Government securities, s. 18, IX of 1871 318
estimate of expenditure and income to be submitted to the Port Commissioners, s. 19, IX of 1871 ... 318
form of estimate, s. 19, IX of 1871 ... 318
Port Commissioners may pass or reject or modify estimate, s. 20, IX of 1871 318
estimate passed by Port Commissioners to be submitted to Lieutenant-Governor who may approve it or return it with remarks, s. 21, IX of 1871 319
tolls to be reduced on accumulation of sufficient reserve fund, s. 22, IX of 1871 319
Port Commissioners may prepare supplemental estimate, s. 23, IX of 1871 319
approval and publication of bye-laws made by Port Commissioners, s. 24, IX of 1871 319
Lieutenant-Governor may revoke and annul bye-laws made by Port Commissioners, s. 25, IX of 1871 ... 319
certain provisions of Port Commissioners' Act to apply to Howrah Bridge Act, s. 26, IX of 1871 ... 320
notice and limitation of suits, s. 27, IX of 1871 320
no compensation for obstruction of navigation by bridge, s. 28, IX of 1871 320
penalty for evading payment of toll, s. 29, IX of 1871 320
arrest of person evading payment of toll, s. 30, IX of 1871... ... 320
summary trial before Magistrate, ss. 31, 32, IX of 1871... ... 320

HOWRAH LIGHTING RATE—
Municipal Commissioners may submit a plan for lighting to Lieutenant-Governor, s. 2, V of 1873 ... 375
publication, consideration, and sanction of plan, s. 2, V of 1873 ... 375
Municipal Commissioners may impose lighting rate not exceeding three per centum on houses, buildings and lands, s. 3, V of 1873 ... 375
rate for portions of town already lighted, s. 3, V of 1873 ... 376
rate payable by occupiers quarterly in advance, s. 4, V of 1873 ... 376
rate not leviable until lamps have been lighted, s. 4, V of 1873 ... 376
arable and pasture lands and places of worship exempted from rate, s. 4, V of 1873 376
annual valuation, assessment and collection, s. 5, V of 1873 376
when Municipal Commissioners may recover rate from owner, s. 6, V of 1873 376
owner who has paid rate may recover from occupier, s. 7, V of 1873 ... 376
owner who has paid rate may recover it as rent from occupier, s 8, V of 1873 377
occupier liable to rate for the time of his occupation only, s. 9, V of 1873 377
occupier must give notice of cessation of occupancy, s. 9, V of 1873 ... 377
occupier failing to give notice liable to rate, s. 9, V of 1873 ... 377
unknown owner or occupier how to be designated, s. 10, V of 1873 ... 377
Municipal Commissioners may require owner to alter situation of gas-pipe or other gas-work, s. 11, V of 1873 378
expenses of altering situation of gas-work to be paid out of the Municipal Fund, s. 11, V of 1873 ... 378
in default of owner, Municipal Commissioners may cause alteration to be made, s. 12, V of 1873 ... 378

HUTS—
roof of, not to be of inflammable materials, s. 211, IV of 1876, *and* s. 256, V of 1876 .. 599, 715
erection of, to be under control of Municipal authorities, s 277, IV of 1876, *and* s. 261, V of 1876 616, 716
removal of, when built without authority, s. 278, IV of 1876 ... 616
sanitary measures with regard to blocks of, ss. 279—282, IV of 1876, *and* ss. 264—270, V of 1876 617, 717
sale of materials of, s. 283, IV of 1876, *and* s. 267, V of 1876 617
powers of local Government with regard to blocks of, ss. 284—286, IV of 1876 617

ILLEGAL GRATIFICATION—
penalty on officer of Port Commissioners accepting, s. 21, V of 1870 ... ... 244, 245

IMPLEMENT—
used in manufacture of salt, seizure of, s. 28, VII of 1864 47
of house-breaking, penalty for possessing, s. 16, II of 1866, *and* s. 32, IV of 1866 ... ... 74, 97
of trade or agriculture not liable to distraint and sale under Village Chowkeedaree Act, s. 32, VI of 1870 277

IMMOVEABLE PROPERTY—
definition of, in Road Cess Act, s. 3, X of 1871 327

IMMOVEABLE PROPERTY—(*contd.*)
liable to payment of Road Cess, s. 4, X of 1871 327
definition of, in Calcutta Municipal Act, s. 3, IV of 1876 546
definition of, in Bengal Municipal Act, s. 6, V of 1876 ... 654
liable to payment of public works cess, s 2, II of 1877 847
definition of, in Provincial Public Works Act, s 10, II of 1877 ... 848

IMPRISONMENT—
period of, in default of payment of fine under Salt Act, s. 36, VII of 1864 49
person sentenced to rigorous, may be confined in irons, s. 5, V of 1865 ... 57
of laborer, not to operate as release from contract, s. 123, VII of 1873 463
under Excise Act, may be either simple or rigorous, s. 74, VII of 1878 ... 889

IMPROVEMENT—
of lands by Hooghly and Burdwan Drainage Works to regulate apportionment of expenditure, ss. 22, 33, V of 1871... 306

INCUMBRANCE—
auction-purchaser to acquire under-tenure free of, with certain exceptions, s. 16, VIII of 1865 ... 64
a brick-built house is not under, s. 16 of Bengal Act VIII of 1865 . 65
auction-purchaser of under tenure acquires it free from lakheraj, VIII of 1865 65
auction-purchaser of under-tenure cannot avoid without notice, VIII of 1865 65
auction-purchaser of under-tenure under Rent Act to acquire free of, s. 66, VIII of 1869 197

INDEMNITY—
to witness giving evidence about gambling, s. 30, II of 1866, *and* s. 50, IV of 1866 ... 78, 102
to persons paying rent to registered proprietor, etc., s. 79, VII of 1876 789

INDEX—
to register of Mahomedan marriages and divorces, ss. 13, 14, 15, I of 1876 ... 505

INDIA—
definition of, in Labor Districts Emigration Act, s. 1, VII of 1873 ... 429

INDIAN PENAL CODE—
sections 63 to 70 to apply to fines under Bengal Acts, s. 4. V of 1867 146
maker of false road cess return may be prosecuted under section 177, s. 14, X of 1871 331

INDIAN PORTS ACT—
Bengal Act III of 1865 incorporated with, s. 2, III of 1865 ... 51
fines levied under Bengal Act III of 1867 to be applied as fines under, s. 18, III of 1867 142
Bengal Act III of 1867 to be read with, s. 19, III of 1867 ... 142
definition of Port of Calcutta under s 78, V of 1870 262
provisions of, relating to buoys and moorings to extend to buoys and moorings of Port Commissioners, s. 81, V of 1870 263

INDIAN VOLUNTEERS' ACT—
animals exempted from municipal tax under section 25, s. 122, V of 1876 684

INFLAMMABLE OIL—
definition of, s 1, III of 1865 ... 51
not to be kept in certain quantity without a license, s. 5, III of 1865 ... 51
seizure of, under search-warrant, s. 6, III of 1865 51
seizure of, without search-warrant, s. 7, III of 1865 52
rules for regulating buildings and licenses, s. 89, III of 1865 ... 52
penalties for keeping in unlicensed building and carrying without license, s. 11, III of 1865 ... 52
penalty for breach of conditions of license, s. 11, III of 1865 ... 52
issue of search-warrant for, s. 12, III of 1865 53
Magistrate may summon owner of, s. 13, III of 1865 53
disposal of confiscated, s. 15, III of 1865 53
belonging to Government, exempted from operation of Bengal Act III of 1865 54

INFORMER—
reward of, under Salt Act, s. 40, VII of 1864 50
award of portion of fine to, under Bengal Act IV of 1865 ... 56
payment to, of portion of fine for gambling, etc., s. 31, II of 1866, *and* s. 51, IV of 1866 ... 78, 102
reward to, under Irrigation Act, s. 98, III of 1876 540
reward to, under Excise Act, ss. 77, 79, VII of 1878 889

INLAND LABOR TRANSPORT FUND—
constitution of, s. 97, VII of 1873 ... 455

INOCULATION—
penalty for producing small-pox by, s. 1, Act IV of 1865 54

INSOLVENT—
disqualified from being member of Calcutta Corporation, s. 23, IV of 1876 553

INSPECTION—
of furnace in Calcutta and Suburbs, s. 3, II of 1863 23
of jails, s. 8, II of 1864 25

INSPECTION—(*contd.*)
of boilers and prime-movers, ss. 4, 5, VI of 1864... 36
of salt-work by police officer, s. 23, VII of 1864 46
of hackney carriages, s. 4, V of 1866... 117
of Port Commissioners' accounts on payment of fee, s. 53, V of 1870 ... 252
of Pooree lodging-houses, ss. 10, 11, IV of 1871... ... 292
of jute warehouses, s. 8, II of 1872 ... 361
of books of Insurance Company, s. 27, II of 1872 366
of emigrants by medical inspector at depôt, s. 53, VII of 1873 ... 442
of emigrants by medical officer at place of disembarkation, s. 81, VII of 1873 450
of laborers and their buildings by inspector, s. 104, VII of 1873 ... 456
of laborers and their buildings by Magistrate, s. 105, VII of 1873 ... 457

INSPECTOR—
of jails to be appointed, s. 8, II of 1869 25
appointment of, of boilers and prime-movers, s. 2, VI of 1864 ... 35
duties and powers of, of boilers and prime-movers, ss. 4, 5, VI of 1864... 36
of markets, ss. 4, 5, VII of 1865 ... 59, 60

INSPECTOR-GENERAL OF POLICE—
may be appointed in Bengal Police Districts, s. 3, VII of 1864 ... 174
not to exercise powers in Suburbs of Calcutta, s. 175, V of 1876 ... 697

INSPECTOR OF LABORERS, see LABOR DISTRICTS.

INSURANCE COMPANY—
definition of, s. 2, II of 1872 ... 358
to contribute towards expenses of fire-brigade, s. 26, II of 1872 ... 365
to make a return of amount insured to the Calcutta Corporation, s. 27, II of 1872... 365
Secretary to allow inspection of books under penalty, s. 27, II of 1872 ... 366
penalty on, for not making return of amount insured, s. 28, II of 1872 ... 366

INTEREST—
damages in rent suit to carry, s. 2, VI of 1862, *and* s. 44, VIII of 1869 9, 192
on compensation awarded in rent suit, s. 3, VI of 1862, *and* s. 45, VIII of 1869 ... ... 10, 192
arrear of rent liable to, s. 21, VIII of 1869 185
on sums due to the Secretary of State from the Port Commissioners, s. 9, V of 1870 241
on sums advanced for Hooghly and Burdwan drainage scheme, s. 20, V of 1871 305
on sums advanced for construction of Howrah Bridge, ss. 10, 16, IX of 1871 ... ... 316, 317
on sums paid as compensation under Embankment Act, s. 39, VI of 1873 394
on sum apportioned under Embankment Act, s. 47, VI of 1873 396
on sum advanced for emigrant by Magistrate, s. 30, VII of 1873 ... 436
on sum advanced for emigrant by Superintendent, s. 60, VII of 1873 444
on amount apportioned on estates and tenures for expenses of erecting boundary marks, ss. 29, 35, IV of 1875 ... ... 491, 493
on compensation awarded under Irrigation Act, s. 30, III of 1876 ... 524
on municipal debt, Calcutta Corporation bound to pay, s. 27, IV of 1876 555
on costs of works for supply of water, occupier to pay, s. 150, IV of 1876... 586
on Calcutta municipal debentures, s 334, IV of 1876 631
on expenses incurred by Calcutta municipal authorities in executing improvements to private property, s. 372, IV of 1876 640

INTERMEDIATE REGISTER, see LAND REGISTRATION.

INTESTATE—
moveable property under Rs. 200 in value of person dying, may be taken charge of by Commissioner of Police, s. 100, IV of 1866 112

INTOXICATING DRUGS—
definition of, s. 4, VII of 1878 ... 874
See EXCISE.

INVENTORY—
of ward's property to be made by Collector, s. 17, IV of 1870 ... 218
of defaulters' property under Village Chowkeedaree Act, s. 28, VI of 1870 276
of moveable property seized under municipal warrant, s. 123, IV of 1876, *and* s. 113, V of 1876 ... 580, 682

INVESTMENT—
of money for Police Superannuation Fund, s. 10, II of 1866 ... 72
of surplus of wards' income, s. 50, IV of 1870 225
of proceeds of sale of wards' property, s. 80, IV of 1870 232
of surplus income of Port Commissioners, s. 45, V of 1870 250
of surplus income under Howrah Bridge Act, s. 18, IX of 1871 ... 318
of compensation under Irrigation Act, s. 30, III of 1876 524
of surplus income of Calcutta Municipality, s. 337, IV of 1876 ... 631
of Mofussil municipal funds, s. 75, V of 1876 673

IRRIGATION—
Lieutenant-Governor may issue notification that water is required for a canal, s. 6, III of 1876 ... 517

IRRIGATION—(*contd.*)
Canal Officer may enter on land and remove obstructions, s. 7, III of 1876 517
Collector to give notice as to claims for compensation, s. 8, III of 1876 517
when claim for compensation is made, Collector to issue notice requiring persons interested to appear, s. 9, III of 1876 518
Collector to give notice also to occupier, s. 9, III of 1876 518
Collector may require claimant to give statement of persons interested in property, s. 10, III of 1876 ... 518
penalty on person failing to give statement, s. 10, III of 1876 ... 518
when fine levied exceeds Rs. 500, Collector to report the case to the Commissioner, s. 10, III of 1876 ... 518
damage for which compensation is not to be awarded. s. 11, III of 1876 ... 519
matters in respect of which compensation may be awarded, s. 11, III of 1876 519
compensation may be awarded for loss of tolls lawfully levied, s. 11, III of 1876 519
diminution in market-value to be considered, s. 11, III of 1876 ... 519
certain rights to supply of water not to be acquired against the Government except by grant or under Limitation Act, s. 11, III of 1876... 520
compensation for loss of drinking-water, s. 12, III of 1876 ... 520
limitation of claims for compensation, s. 13, III of 1876 520
inquiry into claim and tender of compensation, s. 14, III of 1876 ... 520
Collector's power to obtain evidence, s. 14, III of 1876 520
Collector may postpone inquiry, s. 15, III of 1876 520
award if Collector and persons interested agree, s. 16, III of 1876 520
award to be filed in Collector's office and to be conclusive of value of property and amount of compensation, s. 16, III of 1876 ... 520
Collector to refer the matter to the Court if he and persons interested do not agree as to amount of compensation, s. 17, III of 1876 ... 521
if no person attends, Collector to hold a proceeding and record certain particulars, s. 18, III of 1876 ... 521
Collector to place amount of compensation in deposit, s. 18, III of 1876 521
objections to compensation fixed by Collector, s. 19, III of 1876 ...
Collector to state particulars for information of the Court, s. 20, III of 1876 522
procedure of Court on receipt of reference, s. 21, III of 1876 ... 522
if persons interested agree as to apportionment of compensation, particulars to be specified, s. 22, III of 1876 522
Collector to refer to the Court disputes as to apportionment, s. 23, III of 1876 522
costs of reference, s. 23, III of 1876 .. 522
Judge sitting alone to decide disputes as to apportionment, s. 24, III of 1876 522
appeal from decision of Judge, s. 24, III of 1876 ... ...
payment of compensation, s. 25, III of 1876 523
Government not liable to further claim, s. 26, III of 1876 ... 523
liability of person receiving compensation not affected, s. 27, III of 1876 523
abatement of rent on interruption of water-supply, s. 28, III of 1876 ... 523
enhancement of rent on restoration of water-supply, s. 29, III of 1876 523
compensation when due, s. 30, III of 1876 524
interest on sum awarded, s. 30, III of 1876 524
Collector may invest amount payable in Government securities, s. 30, III of 1876 524
compensation not claimable in respect of works executed before Act came into force, s. 31, III of 1876 ... 524
service of notice, s. 32, III of 1876 ... 524
powers of Canal Officer as to entry on lands for maintenance of canal, s. 33. III of 1876 524
Canal Officer may inspect and regulate water-supply, s. 34, III of 1876 ... 525
powers of Canal Officer in case of accident, s 35, III of 1876 ... 525
Canal Officer to give notice to occupier, s. 36, III of 1876... ... 525
Canal Officer to tender compensation for damage done in exercise of his powers, s. 37, III of 1876 ... 525
if tender is not accepted, reference to be made to Collector, s. 37, III of 1876 526
appeal from Collector to Commissioner, s. 38, III of 1876 526
Government to provide means of crossing canals and prevent obstruction to drainage, s. 39, III of 1876 ... 526
Collector to certify to Government whether means of crossing canals and drainage have been provided, s. 39, III of 1876 526
Lieutenant-Governor may prohibit formation of obstructions within certain limits, s. 40, III of 1876 ... 526
Canal Officer may order removal of obstruction, s. 41, III of 1876 ... 527
in case of non-compliance with order, Canal Officer may cause obstruction to be removed, s. 42, III of 1876 ... 527
expenses of removal to be recoverable as a demand, s. 42, III of 1876 ... 527
Lieutenant-Governor may order drainage scheme to be carried out, s. 43, III of 1876 527
compensation for damage caused by removal of obstruction or by drainage work, s. 44, III of 1876 ... 527

IRRIGATION—(*contd.*)
limitation of claims for compensation, s. 45, III of 1876 528
definition of "person" in Part V, s. 46, III of 1876 528
Canal Officer to keep a register of village-channels, s. 47, III of 1876 528
extension of village-channel to be registered as a separate village-channel, s. 47, III of 1876 528
section of a village-channel may be registered as one village-channel, s. 47, III of 1876 528
acquisition of village-channel by agreement, s. 48, III of 1876 ... 528
construction of village-channel by private person, s. 49, III of 1876 ... 529
application to Canal Officer to construct village-channel, s. 50, III of 1876 529
procedure when Canal Officer considers construction of village-channel expedient, s. 51, III of 1876 ... 529
Collector to acquire land under Land Acquisition Act, s. 52, III of 1876 529
notice to be given to applicant after construction of village-channel, s. 53, III of 1876 530
Canal Officer may direct transfer of village-channel, s. 54, III of 1876 ... 530
joint-ownership of village-channel, s. 55, III of 1876 530
Canal Officer to determine costs of proceedings and compensation to previous owners, s. 56, III of 1876 530
instead of compensation, Canal Officer may fix amount of rent to be paid for village-channel, s. 57, III of 1876 ... 531
what persons deemed owners of village-channel, s. 58, III of 1876 ... 531
obligations and rights of owner of village-channel, s. 59, III of 1876 531
in default of owner, Canal Officer may execute repairs to village-channel, s. 60, III of 1876 531
expenses of repairs to be due by owner to Government, s. 60, III of 1876 532
when Canal Officer may strike village-channel off the register, s. 60, III of 1876 532
resignation of ownership of village-channel, s. 61, III of 1876 ... 532
transfer of interest in village-channel, s. 62, III of 1872 532
procedure on death of owner of village-channel, s. 63, III of 1876 ... 532
register of resignation, transfer, or succession, s. 64, III of 1876 ... 532
interest of joint owners equal unless unequal interests are registered, s. 65, III of 1876 533
supply of water to non-owner, ss. 66, 67, III of 1876 533
Canal Officer to fix rent for use of village-channel, s. 68, III of 1876 ... 533
owner of a village-channel may be declared joint owner of another village-channel, s. 69, III of 1876 533
rent payable for village-channel when due, s. 70, III of 1876 ... 533
Canal Officer not bound to pay more than amount actually collected as rent, s. 71, III of 1876 ... 533
land acquired for village-channel not to be used for other purpose without consent of Canal Officer, s. 72, III of 1876 533
recovery of sums due, s. 73, III of 1876 534
application for water, s. 74, III of 1876 534
no person liable to pay rate for water unless he has applied for it, s. 74, III of 1876 534
Canal Officer to record permission, s. 75, III of 1876 534
when Canal Officer may stop water supply, s. 76, III of 1876 ... 534
claims for compensation in case of failure or stoppage of water-supply, s. 76, III of 1876 534
claims for compensation when water-supply is interrupted, s. 76, III of 1876 535
duration of water-supply, s. 76, III of 1876 535
sale or sub-letting of right to use water, s. 76, III of 1876 ... 535
Canal Officer may supply water for purposes other than those of irrigation, s. 77, III of 1876 ... 535
rates for water to be determined by Lieutenant-Governor, s. 78, III of 1876 535
liability when person using water unauthorizedly cannot be identified, s. 79, III of 1876 536
liability when water runs to waste, s. 80, III of 1876 536
charges for unauthorized use or for waste of water recoverable as water-rate, s 81, III of 1876... ... 536
Canal Officer may contract for collection of dues, s. 82, III of 1876 ... 536
sums recoverable as rent, s. 83, III of 1876 536
person who distrains crop on account of water-rate bound to furnish account to Canal Officer, s. 84, III of 1876 536
Canal Officer may challenge account before competent Court, s. 84, III of 1876 537
arrear of water-rate deemed to be a demand, s 85, III of 1876 ... 537
settlement of disputes as to rights and liabilities of persons interested in village-channel, s. 87, III of 1876 ... 537
settlement of disputes among joint owners as to shares of expense, s. 88, III of 1876 537
orders of Collector and Canal Officer settling disputes to remain in force until set aside by Civil Court, s. 89, III of 1876 537
jurisdiction as to suits arising out of power of distraint, s. 90, III of 1876 538
appeal and supervision, s. 91, III of 1876 538

IRRIGATION—(*contd.*)
power to take evidence, s 92, III of 1876 538
penalties under the Act, ss. 93, 94, III of 1876 ... ... 538, 539
Magistrate may order obstruction to be removed and damage repaired, s. 95, III of 1876 540
persons employed on canal may take certain offenders into custody, s. 96, III of 1876 540
no person to be punished twice for the same offence, s 97, III of 1876 ... 540
portion of fine may be paid to person injured or to informer, s. 98, III of 1876 540
Lieutenant-Governor may make rules under the Act, s. 99, III of 1876 .. 540
publication of rules, s. 99, III of 1876 541

ISLAND—
at disposal of Government, accession to, s. 2, IV of 1868 151
thrown up in river, to be taken possession of, and assessed, s. 3, IV of 1868 152
not to become accession to property of any person by reason of channel becoming fordable, s. 4, IV of 1868 152
when island becomes attached to mainland, Collector may be asked to construct ways and paths across it, s. 5, IV of 1868 152
deposit of expenses for constructing ways and paths in, s. 6, IV of 1868 152
applicant to pay one-half of constructing ways and paths, s. 7, IV of 1868 152
ways and paths constructed on, to be public, s. 8, IV of 1868 ... 152

ISTEMRAREE—
tenures, held at fixed rent from time of permanent settlement, cannot be avoided by purchaser of tenure at revenue sale, s. 12, VII of 1868 ... 160

JAIL—
civil, criminal, and central jails to be maintained, ss, 3, 4, II of 1864 ... 25
rules for management of, s. 7, II of 1864 25
ex-officio visiting officers of, s. 7, II of 1864 25
appointment of inspector of, s. 8, II of 1864 25
jailor to be appointed for, s. 9, II of 1864 25
discharge and release of prisoners from, ss. 10, 11, II of 1864 ... 25
measures in case of overcrowding or disease, s. 12, II of 1864 ... 26
rules for persons employed in, s. 16, II of 1864 26
penalty for taking articles into, s. 17, II of 1864 27
book of punishments, s. 18, II of 1864 27
punishment of prisoners in, ss. 4, 5, 6, V of 1865 57
penalty for taking spirits, liquors or drugs into, s. 34, IV of 1866 ... 98

JETTIES—
may be made by Port Commissioners, s. 39, V of 1870 249
See WHARVES.

JOINT PROPRIETORS—
superintendence of Court of Wards when not to extend to, s. 3, IV of 1870 214
of estates and tenures, liability of, under Survey Act, s. 47, IV of 1875 497

JOINT UNDIVIDED ESTATE—
definition of, s. 4, VIII of 1876 ... 800

JUDGE—
may appoint curator and exercise certain powers conferred by Act XIX of 1841, s. 60, VII of 1876 ... 784

JUDGMENT—
of Collector in rent suits, how to be given, s. 15, VI of 1862 ... 14
of Deputy-Collector passed on appeal from Collector in rent suit, declared valid, ss. 2, 3, IV of 1867 ... 144

JUDGMENT-CREDITOR—
proceeds of sale of under-tenure to be paid to, s. 12, VIII of 1865 ... 63

JUDGMENT-DEBTOR—
execution against person or property of, in rent suits, s. 17, VI of 1862... 15

JUDICIAL PROCEEDING—
enquiry under Irrigation Act deemed to be, s. 92, III of 1876 ... 538

JUMMABUNDI—
notice to attend and sign deemed to be notice of enhancement, s. 4, III of 1878 863

JUNGLE—
compensation for, when removed for purposes of survey, s. 10, IV of 1875 484

JURISDICTION—
in rent suits, s. 20, VI of 1862, *and* ss. 33, 36, VIII of 1869 15, 188, 189
in rent suits, when to be decided by Board of Revenue, s. 20, VI of 1862 16
in rent suits, when to be decided by Collector, s. 20, VI of 1862 ... 16
of Magistrates under Canals' Act, s. 18, V of 1864 34
of Magistrate under Bengal Act III of 1865 53
of a Collector, definition of in Bengal Act VII of 1868 155
of Magistrate under Howrah Bridge Act, ss. 30, 31, 32, IX of 1871 ... 320

JUSTICE OF THE PEACE—
powers of, under Salt Act, ss. 26, 31, VII of 1864 ... ...46, 48
Commissioner of Police for Calcutta to be appointed, s. 7, IV of 1866 ... 93

JUSTICE OF THE PEACE—(*contd.*)
Deputy Commissioner of Police may be appointed, s. 7, IV of 1866 ... 93
powers of, with reference to unwholesome articles of food or drink exposed for sale, ss. 291, 292, IV of 1876 ... ... 619, 620
powers of, with reference to adulterated drugs, s. 296, IV of 1876 ... 621
powers of, with reference to prosecution and fines under Calcutta Municipal Act, ss. 347, 351, IV of 1876 634, 635

JUTE—
definition of, s 2, II of 1872 ... 358
loose, storage, screwing and pressing of, s. 7, II of 1872 360
loose, where to be combed and dried, s. 7, II of 1872 360

JUTE WAREHOUSES—
definition of, s. 2, II of 1872 ... 359
not to be used without a license, s. 4, II of 1872... 359
to be inspected and reported on, s. 5, II of 1872... 359
licenses for those existing at time of passing of Act, s. 6, II of 1872 ... 359
licenses for new, subject to certain conditions, s. 7, II of 1872 ... 360
fees for license of, ss. 6, 7, II of 1872 360, 361
Calcutta Corporation to appoint inspectors of, s. 8, II of 1872 ... 361
penalty for not taking out license for, s 11, II of 1872 361
penalty for establishing without license, s. 12, II of 1872 361
penalty for using after license has been refused or cancelled, s. 13, II of 1872 362
report on, to be made by Calcutta and Howrah Municipalities, s. 31, II of 1872 367
application of moneys levied under Act, s. 25, II of 1872 ... 364, 365
new clauses may be inserted in old licenses, s. 3, II of 1875 ... 473
alteration of fee for license, s. 3, II of 1875 473
notice of change of occupation must be given, s. 4, II of 1875 ... 473
fee for change of occupation, s. 4, II of 1875 473
person letting out warehouse in portions to be deemed occupier, s. 4, II of 1875 473
license may be cancelled if conditions are broken, s. 5, II of 1875 . 473
Municipal Commissioners of Suburbs to have same powers as Calcutta Corporation, s. 6, II of 1875 ... 474
fee for license for warehouse out of Calcutta, s. 6, II of 1875 ... 474
penalty for breach of conditions of license, ss. 8, 9, II of 1875 ... 474
penalty for omitting to give notice of change of occupation, s. 10, II of 1875 475
form of license for, s. 12, II of 1875... 475
warehouses for small quantities of jute, not exceeding 4 maunds, exempted, s. 13, II of 1875 475

KABULIAT—
auction-purchaser of under-tenure must execute, s 17, VIII of 1865 ... 65
person who grants pottah entitled to receive, s. 10, VIII of 1869 .. 182
copy of decree to have same force as, s. 56, VIII of 1869 195
auction-purchaser of under-tenure sold under Rent Act must execute, s. 67, VIII of 1869 198

KEEPER OF A LODGING-HOUSE—
definition of, s. 1, IV of 1871 ... 290

KEROSINE OIL—
municipal license for storehouse for, s 285, V of 1876 722
See INFLAMMABLE OIL.

KHALS—
district committee to prepare statement of, under Road Cess Act, s. 66, X of 1871 343

KHAMAR—
land, excepted from definition of right of occupancy, s. 6, VIII of 1869 ... 181
lands, partition of, s. 106, VIII of 1876 831

KHOODKAST RYOT—
cannot be ejected by auction-purchaser of under-tenure, s. 16, VIII of 1865, *and* s. 66, VIII of 1869 ... ... 64, 197

KHULA—
divorce, application for registration of, s. 8, I of 1876 503
divorce, entry of, in register, s. 11, I of 1876 504

KOTWAR—
included in definition of village policemen, s. 2, VIII of 1878 ... 894

LABOR DISTRICTS—
Lieutenant-Governor may fix rate payable by employers, s. 95, VII of 1873 454
Magistrate may levy rate by distress and sale of moveable property, s. 96, VII of 1873 454
if no moveable property found, rate may be recovered by suit, s. 96, VII of 1873 454
fines, fees, and rates to be credited to Inland Labor Transport Fund, s. 97, VII of 1873 455
Lieutenant-Governor may appoint inspectors of laborers, s. 98, VII of 1873 455
Lieutenant-Governor may authorize inspectors to entertain establishment, s. 99, VII of 1873 455
employers to make half-yearly return of health of laborers to inspector, s. 100, VII of 1873 455

LABOR DISTRICTS—(*contd.*)
returns to be kept separate for each class of laborers, s. 100, VII of 1873 455
copies of returns to be kept by employer, s. 100, VII of 1873 ... 455
death, desertion, etc., of laborer to be entered in return, s. 101, VII of 1873 456
on arrival of laborer, name and description to be entered in a book by employer, s. 102, VII of 1873 ... 456
penalty on employer omitting to send in return, s. 103, VII of 1873 ... 456
inspector to make periodical inspection of laborers, s. 104, VII of 1873 ... 456
inspector to enter certain particulars of laborers in books, s. 104, VII of 1873 456
inspector to make annual report to Lieutenant-Governor, s. 104, VII of 1873 457
Magistrate may at any time inspect laborers' buildings, s. 105, VII of 1873 457
penalty for obstructing inspection, s. 105, VII of 1873 457
employer to fix daily tasks with sanction of inspector, s. 106, VII of 1873 457
maximum amount of labor, s. 107, VII of 1873 457
inspector may refer schedule of tasks to a committee, s. 108, VII of 1873 457
committee may revise schedule of tasks, s. 109, VII of 1873 ... 457
inspector may suspend contract of laborer unfitted for labor, s. 110, VII of 1873 458
suspension to be endorsed on contract, and laborer to receive subsistence money, s. 110, VII of 1873 ... 458
penalty for compelling laborer to perform work for which he is unfit, s. 111, VII of 1873 458
discharge and payment of laborer permanently incapacitated, s. 112, VII of 1873 458
employer bound to provide proper accommodation and food for laborers, s. 113, VII of 1873 ... 458
hospital accommodation and medicines to be provided, s. 114, VII of 1873 458
if more than 300 laborers employed, medical officer to be placed in charge of them, s. 114, VII of 1873 ... 459
inspector may institute inquiry as to provision made for laborers by employer, s. 115, VII of 1873 ... 459
penalty on employer for gross neglect as to provision for laborers, s. 116, VII of 1873 459
penalty on employer omitting to comply with order of Magistrate as to provision for laborers, s. 116, VII of 1873 459
penalty on employer failing to provide hospital accommodation and medicines, s. 117, VII of 1873 ... 459
inspector to report if estate is unfit for laborers, s. 118, VII of 1873 ... 459
Magistrate to summon committee, s. 118, VII of 1873 460
committee to make inquiry, s. 118, VII of 1873 460
if estate found unfit, laborers' contracts to be void, s. 118, VII of 1873 ... 460
if mortality of laborers exceeds a certain proportion, Lieutenant-Governor may order inquiry by medical officer, s. 119, VII of 1873 ... 460
medical officer to make report, s. 119, VII of 1873 461
Lieutenant-Governor may declare estate unfit for laborers, s. 119, VII of 1873 461
laborers' contracts to be void, s. 119, VII of 1873 461
penalty on employer permitting laborer to reside on estate declared unfit, s. 120, VII of 1873 461
inspector may give to employer certificate as to fitness of estate, s. 120, VII of 1873 461
penalty on laborer absenting himself without sufficient cause, s. 121, VII of 1873 462
deserting laborer, if not in service of another employer, may be apprehended without warrant, s. 122, VII of 1873 462
procedure when laborer is apprehended, s. 122, VII of 1873 ... 462
Magistrate may issue summons or warrant of arrest for deserting laborer, s. 122, VII of 1873 462
penalty for desertion, s. 122, VII of 1873 462
Magistrate may award compensation for wrongful arrest, s. 122, VII of 1873 463
conviction not to operate as a release from contract, s. 123, VII of 1873 463
inspector to cancel contract of laborer who has been imprisoned six months for desertion, s. 124, VII of 1873 ... 463
on application of employer, Magistrate may cancel portion of sentence, s. 125, VII of 1873 ... 463
employer to pay expense of bringing back deserting laborer, s. 126, VII of 1873 464
time of unlawful absence or of imprisonment to be excluded from contract period, s. 127, VII of 1873 ... 464
penalty for enticing away, etc., laborer, s. 128, VII of 1873 464
employer to give notice to inspector of complaint of laborer, s. 129, VII of 1873 464
proceedings of inspector on receipt of complaint, s. 130, VII of 1873 464, 465
inspector may summon laborer and witnesses for inquiry, s. 131, VII of 1873 465
penalty for obstructing service of summons or neglecting to attend, s. 131, VII of 1873 465
procedure if complaint is untrue or frivolous, s. 132, VII of 1873 ... 465
procedure if complaint is well founded, s. 133, VII of 1873 465

LABOR DISTRICTS—(*contd.*)
recovery of arrears of wages and compensation, s. 134, VII of 1873 ... 465
cases in which contract may be cancelled, s. 135, VII of 1873 ... 466
laborer may appear before inspector to register completion of contract, s. 136, VII of 1873 466
penalty on employer detaining laborer after completion of contract, s. 136, VII of 1873 466
procedure if laborer wishes to redeem unexpired term of contract, s. 137, VII of 1873 ... 466, 467
value of unexpired term of contract, s. 137, VII of 1873 467
certificate to be given of determination of contract, s. 138, VII of 1873 467
See EMIGRATION TO LABOR DISTRICTS.

LABORER—
definition of, s. 3, VII of 1873 ... 429
See LABOR DISTRICTS.

LAKHIRAJ—
incumbrance, under-tenure acquired free from, VIII of 1865 ... 65
tenure, sale of, to be valid, s. 9, VII of 1868 158
interest, included in definition of tenure in Bengal Act, VII of 1868 155
lands to be taken charge of by manager under Court of Wards, s. 45, IV of 1870 224

LAMP—
penalty for affixing in public street, without permission from the Commissioner of Police, s. 40, II of 1866, *and* s. 66, IV of 1866 ... ...82, 107

LAND—
assessment of, see ASSESSMENT.
general definition of, in Bengal Acts, s 1, V of 1867 145
gained by accession to island, to be considered increment thereto, s. 2, IV of 1868 151
definition of, in Port Commissioners' Act, s. 1, V of 1870 239
definition of, in Road Cess Act, s. 3, X of 1871 326
definition of, in Embankment Act, s. 3, VI of 1873... 383
purchase and sale of, by municipal authorities, ss. 327—329, IV of 1876 629
definition of, in Calcutta Municipal Act, s. 3, IV of 1876 546
definition of, in Bengal Municipal Act, s. 6, V of 1876 654
purchase and sale of, by Mofussil Municipal Commissioners, s. 36, V of 1876 664
may be acquired under Land Acquisition Act for Mofussil municipalities, s 37, V of 1876 664
definition of, in Partition Act, s. 4, VIII of 1876 800

LAND REGISTRATION—
Registers to be kept by Collector, s. 4, VII of 1876 764
forms, language, and arrangement of Registers, s. 5, VII of 1876 ... 765
General Register of revenue-paying lands, s. 6, VII of 1876 ... 765
Part I of the General Register, s. 7, VII of 1876 765
Part II of the General Register, s. 8, VII of 1876 765
General Register of revenue-free lands, s. 9, VII of 1876 766
Part I of the General Register of revenue-free lands, s. 10, VII of 1876 766
Part II of the General Register of revenue-free lands, s. 11, VII of 1876 767
Part III of the General Register of revenue-free lands, s. 12, VII of 1876 768
Board of Revenue may substitute rules for register of revenue-free lands, s. 13, VII of 1876 768
rules to be sanctioned by Lieutenant-Governor and published in the *Calcutta Gazette*, s. 13, VII of 1876 ... 769
use of Mouzahwar Register, s. 14, VII of 1876 769
arrangement and contents of Mouzahwar Register, s. 15, VII of 1876 ... 769
use of Intermediate Registers, s. 16, VII of 1876 769
Parts I and II of the Intermediate Registers, ss. 18, 19, VII of 1876 ... 770
old registers to be in force till new registers prepared, s. 20, VII of 1876 771
preparation of first General Register and first Mouzahwar Register, s. 21, VII of 1876 771
Board of Revenue may order new registers to be prepared, s. 22, VII of 1876 771
entry of estate on any part of a General Register, s. 23, VII of 1876 ... 772
entry of mouzah under local division of Mouzahwar Register, s. 24, VII of 1876 772
entries in General and Mouzahwar Registers to be in chronological order, s. 25, VII of 1876 772
notes to be made on General Register of revenue-paying lands, s. 26, VII of 1876 772
note to be made on General Register of revenue-free lands, s. 27, VII of 1876 773
Collector after making inquiry may make alteration in registers, s. 28, VII of 1876. 773
notice of alteration must be given to person affected, s 28, VII of 1876 . 773
Collector may order name to be struck out of register, s. 29, VII of 1876. . 774
information to be supplied to Collector to enable him to maintain his registers, s. 30, VII of 1876 ... 774
penalty for failing to give notice of establishment of new village, s. 31, VII of 1876... 775

LAND REGISTRATION—(*contd.*)
penalty for failing to furnish information, s 31, VII of 1876 ... 775
when register may be altered on order of Civil Court, s. 32, VII of 1876 ... 775
inclusion in estate of certain lands held without payment of rent, s. 33, VII of 1876 775
Collector may include any lands in an estate, s. 34, VII of 1876 ... 776
Collector may register lands as a revenue-free property, s. 35, VII of 1876 776
no land to be entered as a revenue-free property in Part I of the General Register without the sanction of the Board, s. 35, VII of 1876 ... 777
Board may decide what lands are to be included in each revenue-free property, s. 36, VII of 1876 777
Collector may serve notice for inclusion of lands in a revenue-free property, s. 37, VII of 1876 ... 777
proprietor, etc., to register within specified time, s. 38, VII of 1876 ...777, 778
Lieutenant-Governor to fix date before which proprietor, etc., must apply for registration, s. 39, VII of 1876 778
Lieutenant-Governor may fix different dates in respect of different estates, s. 40, VII of 1876 778
no penalty to be incurred until six months after publication of notice of date, s. 40, VII of 1876 ... 778
publication of dates fixed by Lieutenant-Governor, s. 41, VII of 1876 778, 779
persons succeeding to proprietary right in or management of estates to give information within six months, s. 42, VII of 1876 779
Lieutenant-Governor may exempt certain proprietors and managers from obligation to register, s. 43, VII of 1876 779
mortgagee may apply for registration, s. 44, VII of 1876 780
presentation of application for registration, s. 45, VII of 1876 ... 780
application by joint proprietor or manager, s. 46, VII of 1876 ... 780
registration of manager appointed by authority, s. 47, VII of 1876 ... 780
when Collector to issue notice that objections may be made to registration of applicant, s. 48, VII of 1876 780
publication of notice, s. 49, VII of 1876 ... ... 780, 781
service of notice on alleged transferor, s. 50, VII of 1876 781
no fees to be payable in respect of publication or service of notice, s. 50, VII of 1876 781
irregularity in publication or service of notice not to affect validity of proceedings, s. 51, VII of 1876 781
inquiry and registration by Collector, s. 52, VII of 1876 ... 781, 782
mortgagee may be registered, whether he is actually in possession or not, s. 52, VII of 1876 782
power of Collector to obtain evidence, s. 53, VII of 1876 782
costs of inquiry payable by parties, s. 54, VII of 1876 782
if applicant's claim is disputed, Collector is to determine summarily the right to possession, s. 55, VII of 1876 782
or Collector may refer dispute to Civil Court, s. 55, VII of 1876 ... 782
Collector may register applicant in respect of a portion of undisputed claim, and refer the rest, if disputed, to a Civil Court, s. 55, VII of 1876 ... ... 782, 783
Collector may appoint receiver in case of dispute, s. 56, VII of 1876 ... 783
effect of order of Collector determining summarily the right to possession, s. 57, VII of 1876 ... 783
procedure by Collector on making a reference to a Civil Court, s. 58, VII of 1876 783
procedure by Civil Court on receipt of reference, s. 59, VII of 1876 ... 784
Judge may appoint Curator, s. 60, VII of 1876 784
order by Court as to costs, s. 61, VII of 1876 784
effect of summary decision of Court, s. 62, VII of 1876 784
Court to certify its determination to Collector, s. 63, VII of 1876 .. 784
fees to be levied by Collector on registry of transfers, s. 64, VII of 1876. 784
penalty for omitting to make application for registration, s. 65, VII of 1876 785
Collector may levy fine, although appeal against order imposing fine is pending, s. 66, VII of 1876 ... 785
when amount levied exceeds Rs. 500, Collector to report the case to the Commissioner, s. 66, VII of 1876 ... 785
no penalty on person who applies for registration of his own motion after prescribed time, s. 67, VII of 1876 ... ... 785, 786
liabilities of recorded proprietors and managers, s. 68, VII of 1876 ... 786
no separate account to be opened under Act XI of 1859 otherwise than in accordance with registered interest, s. 69, VII of 1876 ... 786
proprietor holding undivided interest in specific lands, may apply for opening of separate account, s. 70, VII of 1876 786
contents and publication of such application, s. 70, VII of 1876 ... 786
if no objection is made, Collector may open separate account, s. 70, VII of 1876 787
section 12 of Act XI of 1859 to apply to such application, s. 71, VII of 1876 787
effect of opening such separate account, s. 71, VII of 1876 787
application by recorded proprietor or manager to close a separate account, s. 72, VII of 1876 787

LAND REGISTRATION—(*contd.*)
Collector to comply with application, s. 73, VII of 1876 788
Collector, in case of certain objections, may refer matter to the Civil Court, s. 74, VII of 1876 788
Collector to furnish extract from register, s. 75, VII of 1876 ... 788
when Collector bound to furnish translation of extract, s 76, VII of 1876 789
Collector to publish notice of changes in register, s 77, VII of 1876 ... 789
no person bound to pay rent to unregistered claimant or rent in excess of recorded interest of claimant, s. 78, VII of 1876 789
indemnity to persons paying rent to registered proprietor, manager or mortgagee, s. 79, VII of 1876 ... 789
Collector may pay sums due to recorded proprietors in accordance with registered interests of each, s. 80, VII of 1876 790
saving of written contracts, etc., s. 81, VII of 1876 790
every amount due to Collector under Act to be deemed a demand, s. 82, VII of 1876 790
Collector may require proprietor to name estate, s. 83, VII of 1876 ... 790
Collector may delegate duties to Assistant Collector, s. 84. VII of 1876... 790
appeal to Collector, s. 85, VII of 1876 790, 791
appeal to Commissioner, s. 85, VII of 1876 791
revision by Commissioner and Board of Revenue, s 85, VII of 1876 ... 791
limitation of appeals, ss. 85, 86, VII of 1876 791
Lieutenant-Governor may vest officer with special appellate powers, s. 87, VII of 1876 791
Board of Revenue may make rules, s. 88, VII of 1876 792
rights not affected by Act, s. 89, VII of 1876 792

LAND REVENUE—
arrears of, see ARREARS.
assessment of, under Partition Act, see PARTITION
continuance of existing settlement of, in Cuttack, Pooree, and Balasore, X of 1867 ... ... 146, 147

LANDHOLDER—
who has given security for famine loan, may recover from persons liable to pay, s. 2, IV of 1875 477

LANDING—
of cargo, see PORT COMMISSIONERS, VESSEL.

LANDING-PLACES—
to be provided by Port Commissioners, s. 54, V of 1870 252

LANGUAGE—
used in Bengal Acts, Act for shortening, V of 1867 ... 145, 146

LATRINE—
may be supplied with filtered or unfiltered water, s. 134, IV of 1876 ... 583
to be provided with cistern, s. 135, IV of 1876... 583
not to be constructed within fifty feet of tank, s. 233, IV of 1876, *and* s. 246, V of 1876 ... 605, 712
establishment for cleansing public and private, in first class municipalities, s. 2, VI of 1878 866
construction of, may be required by Commissioners of first class municipalities, s. 14, VI of 1878 ... 868

LEASE—
cancelment of farmer's, for arrear of rent, s. 23, VIII of 1869 ... 185
of wards' estate not to exceed a certain term, s. 9, IV of 1870 216
of property by Port Commissioners, s. 31, V of 1870 247
of municipal ferry may be granted for three years, s. 155, V of 1876 ... 692
of municipal ferry, cancelment of, s. 144, V of 1876 689
of farmer of excise revenue, cancelment of, s. 24, VII of 1878 ... 878

LEAVE OF ABSENCE—
Port Commissioner who absents himself without, for six consecutive meetings, to vacate his office, s. 13, V of 1870 242
Port Commissioners may grant, to their Chairman or Vice-chairman, s. 22, V of 1870 245
to Chairman and officers of Calcutta Corporation, s. 37, IV of 1876 ... 558

LICENSE—
under Excise Act, see EXCISE.
for Pooree Lodging-houses, see LODGING-HOUSES.
for trades, dealings, and industries, see TRADES' LICENSE TAX.
suspension of commander's or pilot's, s. 6, V of 1862 4
penalty for manufacturing salt without, s. 5, VII of 1864 42
for manufacture of salt, to be granted by Board of Revenue, s. 7, VII of 1864 43
for building, for keeping inflammable oil, s. 5, III of 1865 51
for carrying inflammable oil, s. 7, III of 1865 52
rules for, for keeping and carrying inflammable oil, ss. 8, 9, III of 1865 52
penalty for keeping inflammable oil in unlicensed building, s. 11, III of 1865 52
penalty for carrying inflammable oil without, s. 11, III of 1865 ... 52

LICENSE—(*contd.*)
penalty for breach of conditions of, s. 11, III of 1865 52
penalty for using slaughter-house without, s. 1, VII of 1865 58
for slaughter-house, suspension and revocation of, s. 6, VII of 1865 ... 60
penalty for keeping hotel, tavern, &c., without, s. 18, II of 1866, *and* s. 35, IV of 1866 ... ...74, 98
under Excise Act, not to be granted except on production of certificate from Commissioner of Police, s. 19, II of 1866, *and* s. 36, IV of 1866 ...75, 98
under Excise Act, durations and conditions to be fixed by Commissioner of Police, s. 20, II of 1866, *and* s. 37, IV of 1866 ... ...75, 99
under Excise Act, sub-letting of, illegal, s. 20, II of 1866 75
otherwise than under Excise Act, may be granted by Commissioner of Police, s. 24, II of 1866, *and* s. 39, IV of 1866... ...76, 99
penalty for breach of conditions of, s. 23, II of 1866, *and* s. 40, IV of 1866 ... ... 76, 99, 100
fee for Police license under Bengal Act II of 1866 and Bengal Act IV of 1866 ... ... 76, 100
for sale, possession, and transport of gunpowder, ss. 34, 35, 36, II of 1866 79
for use of music in streets at native festivals, s. 39, II of 1866 ... 80
for owners of hackney carriages, s. 3, V of 1866 117
for drivers of hackney carriages, ss. 18—21, V of 1866... 120, 121
for palankeen bearers, s. 48, V of 1866 129
to exempting vessel from maintenance of crew, s. 3, III of 1867 139, 140
for public necessaries in Pooree, s. 29, IV of 1871. 295
for jute warehouse, fee for, ss. 6, 7, II of 1872 ... ... 360, 361
for jute warehouse, conditions of, s. 7, II of 1872 ... 360, 361
for jute warehouse, penalties relating to, ss. 11, 12, 13, II of 1872 361, 362
for letting off rockets and sending up fire balloons, s. 19, II of 1872 ... 364
for selling or manufacturing fire-works, s. 20, II of 1872 364
to contractors for engaging laborers, ss. 14, 33, VII of 1873 433, 437
to recruiter of emigrants, form of, s. 38, VII of 1873 438
to recruiter of emigrants, must be countersigned by proper authorities, and may be withdrawn, s. 40, VII of 1873 439
for vessel carrying more than 20 emigrants, s. 62, VII of 1873 . 445
for jute warehouse, may be cancelled or suspended when conditions are broken, s. 5, II of 1875 ... 473
for jute warehouse, form of, s. 12, II of 1875 475
to register Mahomedan marriages and divorces, s. 3, I of 1876 ... 502
to keep carriages and animals in Calcutta, s. 67, IV of 1876 ... 567
to exercise profession or trade in Calcutta. s. 75, IV of 1876 ... 568
for plumber executing works for water-supply, s. 144, IV of 1876 ... 585
for tola mehters depôts and common necessaries, s. 242, IV of 1876 ... 607
to milkman, etc., for keeping animals, s. 247, IV of 1876 *and* s. 289, V of 1876 ... ... 609, 723
for slaughter-houses in Calcutta and Suburbs, s. 287, IV of 1876 ... 618
for slaughter-houses, suspension or cancelment of, s. 293, IV of 1876, *and* s. 294, V of 1876 ... 620, 723
for places used for offensive or dangerous trades, s. 298, IV of 1876, *and* s. 285, V of 1876 ... 621, 722
to make vault or grave or open burial or burning ground, s. 305, IV of 1876 623
for private market, s. 318, IV of 1876, *and* ss. 304, 307, 338, V of 1876 626, 726
under Calcutta and Bengal Municipal Acts, to be produced when required, s. 361, IV of 1876, *and* s. 370, V of 1876 ... ... 637, 740
for carriages, horses, etc., in Mofussil municipality, s. 126, V of 1876 .. 685
nightmen may be required to take out, in first class municipality, s. 23, VI of 1868 868

LIEN—
of Port Commissioners for dues, s. 68, V of 1870 258
for freight preserved if notice given to Port Commissioners, s. 70, V of 1870 259
sale of goods if lien of ship-owner of freight is not discharged, s. 72, V of 1870 260

LIEUTENANT-GOVERNOR—
powers of, under Howrah Bridge Act, see HOWRAH BRIDGE.
powers of, under Labor Districts Emigration Act, see EMIGRATION TO LABOR DISTRICTS, LABOR DISTRICTS.
may appoint surveyors of steam vessels, s. 2, V of 1862 3
may direct special survey of steam vessels, s. 7, V of 1862 ... 4
may frame rules for survey of steam vessels, s. 8, V of 1862 ... 4
may suspend license of pilot or other officer, s. 6, V of 1862 .. 4
may require delivery of expired certificate of survey and declaration, s. 12, V of 1862 5
may revoke and cancel certificate of survey and declaration, s. 13, V of 1862 5
may require steam vessel to be again surveyed, s. 13, V of 1862 .. 6
may in certain cases appoint two other surveyors to survey steam vessel, s. 14, V. of 1862 ... 6

LIEUTENANT-GOVERNOR—(*contd.*)
may appoint inspector of jails, s. 8, II of 1864 25
may alter limits of existing zillahs, IV of 1864 28
may extend Canals Act to navigable channels, s. 2, V of 1864 ... 30
may cause navigable channels to be made, s. 3, V of 1864 ... 30
to fix rates of toll on canals, s. 6, V of 1864 31
may appoint persons to collect tolls, s. 8, V of 1864 31
may make rules for management of lines of navigation, s. 11, V of 1864 32
may appoint inspectors of boilers and prime-movers, s. 2, VI of 1864 ... 35
may revoke certificate for use of boiler or prime-mover, s. 6, VI of 1864 ... 36
to frame rules regulating fees for certificate for boilers or prime-movers, s. 7, VI of 1864 36
to prescribe rules for manufacture, etc., of salt, s. 11, VII of 1864 43, 44
to define limits for possession and transport of salt, s. 12 VII of 1864 44
may extend Act for fire in ports and inflammable oils to any port, s. 2, III of 1865 51
may make rules relating to inflammable oils, ss. 8, 9, III of 1865 ... 52
may extend Act prohibiting inoculation to certain places, s. 3, IV of 1865 55
may extend Act for slaughter-houses to certain places, s. 9, VII of 1865 61
may exclude suburbs of Calcutta from general Police District, s. 1, II of 1866 70
to fix rate of subscription to Police Superannuation Fund, s. 10, II of 1866 72
powers of, with reference to witness before Bengal Council, ss. 1, 3, III of 1866 ... ... 85, 86
may appoint Commissioner and Deputy Commissioner of Police for Calcutta, ss. 4, 5, IV of 1866 92, 93
to fix rate of subscription to Police Superannuation Fund, s. 16, IV of 1866 95
may empower Calcutta Corporation to appoint registering officer for hackney carriages and palankeens, s. 2, V of 1866 117
may extend Hackney Carriage and Palankeen Act, s. 54, V of 1866 ... 132
may extend Gambling Act, s. 2, V of 1866 134
may charge Port Police upon Port Fund, s. 8, III of 1867 ... 140
may charge a portion of expense of Municipal Police upon Port Fund, s. 9, III of 1867 140
may vary rate of Police Port-dues and Hospital Port-dues, s. 15, III of 1867 141
may appoint officer with powers of Collector to hear appeals in rent suits, s. 5, IV of 1867 144
may appoint ports of survey, s. 2, I of 1868 148
may direct payment of additional fees for survey of steam vessels, s. 5, I of 1868 148
to nominate examiners of engineers of steam vessels, s. 8, I of 1868 ... 149
to give certificates of competency and service to engineers, ss. 9, 10, I of 1868 149
may cancel or suspend certificates of competency and service, s. 14, I of 1868 150
may exempt private steam vessels from obligation of having certificated engineer, s. 13, I of 1868 ... 150
may appoint Special Commissioners to record Chota Nagpore Tenures, s. 2, II of 1869 168
may make rules for record of Chota Nagpore Tenures, s. 23, II of 1869 171
may extend Bengal Act III of 1869 ... 173
may divide Bengal into Police Districts, s. 2, VII of 1869 ... 174
may appoint Inspector-General of Police, s. 3, VII of 1869 ... 174
to fix pay of Police in every district, s. 4, VII of 1869 174
may employ Police out of their own district, s. 5, VII of 1869 ... 174
may extend Landlord and Tenant Act, s. 106, VIII of 1869 207
adoption by ward not be valid without consent of, s. 74, IV of 1870 ... 231
may make rules under Court of Wards Act, s. 84, IV of 1870 233
Court of Wards to be subject to control of, s. 85, IV of 1870 ... 233
may appoint and remove Port Commissioners, ss. 2, 4, 14, 15, V of 1870 ... ... 240, 243
may fix salaries of Chairman and Vice-Chairman of Port Commissioners, s. 16, V of 1870 243
to sanction establishment of Port Commissioners, s. 18, V of 1870 ... 244
assent of, to demise or contract of Port Commissioners, ss. 33, 34, V of 1870 247
to sanction new work of Port Commissioners, s. 35, V of 1870 ... 248
may direct investment of surplus income of Port Commissioners, s. 45, V of 1870 250
powers of, with reference to Port Commissioners' estimate of income and expenditure ss. 48—51, V of 1870... 251
powers of, with reference to ghats, wharves, quays, stages, jetties, piers, etc., ss. 56, 57, 58, 60, 62, 63, 64, V of 1870 253-256
to approve tolls of Port Commissioners, ss. 65, 66, V of 1870 ... 257, 258
on failure of Port Commissioners, may impose tolls, s. 67, V of 1870 .. 258
may define limits of port of Calcutta, s. 78, V of 1870 262
powers of, with reference to bye-laws of Port Commissioners, ss. 83, 84, V of 1870 264

LIEUTENANT-GOVERNOR—(*contd.*)
may order local survey of works of Port Commissioners, s. 88, V of 1870 ... 264
may restore works, if Port Commissioners allow them to fall into disrepair, s. 89, V of 1870 ... 265
may appoint person to receive their income, if debt due from Port Commissioners remains unpaid, s. 90, V of 1870 ... 265
may revoke powers of Port Commissioners, s. 91, V of 1870 ... 265
may confer powers of conservator of the port on Port Commissioners, s. 95, V of 1870 ... 266
may appoint commission to ascertain chowkeedaree chakran lands, s. 58, VI of 1870 ... 280
may frame rules for guidance of punchayets, s. 65, VI of 1870 ... 283
may extend Village Chowkeedaree Act, s. 68, VI of 1870 ... 284
may appoint Health Officer under Pooree Lodging-house Act, s. 2, IV of 1871 ... 290
may extend Pooree Lodging-house Act, s. 39, IV of 1871 ... 298
to confirm bye-laws under Pooree Lodging-house Act, s. 38, IV of 1871 ... 298
may appoint Hooghly and Burdwan Drainage Commissioners, s. 4, V of 1871 ... 302
may sanction Hooghly and Burdwan drainage scheme and modification thereof, ss. 13, 14, V of 1871 ... 304
may order improvements specified in drainage scheme to be carried out, s 17, V of 1871 ... 304
may sanction alteration of drainage scheme after works have been commenced, s. 18, V of 1871 ... 305
in default of Drainage Commissioners, may appoint officer to make apportionment and report, s. 24, V of 1871 ... 306
may appoint time of payment of road cess by holders of estates and tenures and cultivating ryots, ss. 22, 24, X of 1871 ... 333, 334
may determine the proportions in which certain property is to be assessed for road cess in different districts, s. 35, X of 1871 ... 337
may prescribe form of valuation roll for houses under Road Cess Act, s. 41, X of 1871 ... 338
may appoint and remove members of district road cess committee, ss. 49, 50, 51, X of 1871 ... 340
may fix payment of fees for copy of extract from minute book of district road cess committee, s. 61, X of 1871 ... 341
District Road Fund of one district not to be appropriated to another without sanction of, s. 70, X of 1871 ... 344
may form branch committees under Road Cess Act, s. 76, X of 1871 ... 345
may assign funds to branch committee under Road Cess Act, s. 78, X of 1871 ... 345
to assign sums to district committee on account of road cess payable otherwise than under Road Cess Act, s. 83, X of 1871 ... 346
may make rules under Road Cess Act, s. 97, X of 1871 ... 349
powers of, with respect to taking census, ss. 1, 2, 5, XI of 1871 ... 354, 355
may declare the warehousing of any other substance to be subject to Jute Warehouse and Fire Brigade Act, s. 30, II of 1872 ... 367
report on working of Jute Warehouse and Fire Brigade Act to be made to, s. 31, II of 1872 ... 367
may direct registration of births and deaths, s. 1, IV of 1873 ... 371
plan for lighting Howrah with gas to be submitted to, s 2, V of 1873 ... 375
may publish and sanction plan for lighting Howrah with gas, s. 2, V of 1873 ... 375
may exclude embankments from Schedule D, s. 35, VI of 1873 ... 392
may include embankments in Schedule D, s. 35, VI of 1873 ... 392
may direct Government contribution to cease in respect of embankments in certain pergunnahs, s. 36, VI of 1873 ... 392
to determine time for payment of sum apportioned under Embankment Act, and rate of interest, s. 47, VI of 1873 ... 396
may revoke certificate for use of boiler or prime-mover, if person in charge is not competent, s. 1, III of 1875 476
may grant new certificate for use of boiler or prime-mover, s. 1, III of 1875 ... 476
may order survey of lands, s. 3, IV of 1875 ... 482
may appoint Superintendent of Survey, s 4, IV of 1875 ... 483
may extend Act for registration of Mahomedan marriages and divorces, s. 1, I of 1876 ... 501
may grant license to Mahomedan Registrar of marriages and divorces, s. 3, I of 1876 ... 502
to approve rules made by Inspector-General of Registration for guidance of Mahomedan Registrars, s. 18, I of 1876 ... 506
may make rules under Act for registration of Mahomedan marriages and divorces, s. 24, I of 1876 ... 507
may appoint officers to exercise powers under Irrigation Act, s. 5, III of 1876 517
may declare that water is to be used for a canal, s. 6, III of 1876 ... 517
may prohibit formation of obstructions in river, etc., s. 40, III of 1876 ... 526
may order drainage-scheme to be carried out, s, 43, III of 1876 ... 527
to fix charges for canal water, s. 78, III of 1876 ... 535

LIEUTENANT-GOVERNOR—(*contd.*)
may make rules under Irrigation Act, s. 99, III of 1876 540
may extend Bengal Municipal Act, s. 8, V of 1876 657
may transfer a Municipality from one class to another, s. 10, V of 1876 ... 657
may vary limits of municipality, s. 18, V of 1876 657
may withdraw place from operation of Bengal Municipal Act, s. 10, V of 1876 657
may unite places into a municipality, s. 13, V of 1876 658
to appoint Mofussil Municipal Commissioners, s. 15, V of 1876 ... 658
may order Mofussil Municipal Commissioners to be elected, s. 16, V of 1876 659
may appoint *ad-interim* Vice-Chairman and Commissioners, s. 18, V of 1876 659
may accept resignation of Commissioner, s. 20, V of 1876 ... 660
may remove Commissioner, s. 21, V of 1876 660
to approve of election of Vice-Chairman, s. 30, V of 1876 662
may sanction election permanently, or for a term of years, of salaried Vice-Chairman, s. 30, V of 1876 ... 662
may exclude road, etc., from operation of Bengal Municipal Act, s. 32, V of 1876 663
may cause land to be acquired for municipality, s. 37, V of 1876 ... 664
may revise municipal estimate, s. 67, V of 1876 671
may require plans and estimates of municipal work costing over Rs. 3,000 to be submitted for his approval, s. 69, V of 1876 671
may lay down rules limiting municipal expenditure, s. 69, V of 1876 ... 671
may cause annual report of municipal proceedings to be published, s 72, V of 1876 672
may direct certain expenses of Magistrates and Commissioner's offices to be paid out of the Municipal Fund, s. 74, V of 1876 672
to approve security for investment of municipal funds, s 75, V of 1876 ... 673
may extend powers of Chairman and Vice-Chairman as to payment out of Municipal Fund, s. 76, V of 1876 673
to sanction imposition of tax on persons and rate on holdings, s. 77, V of 1876 673
may make over public ferry to municipality, s. 139, V of 1876 ... 688
may make over toll-bar to a municipality, s. 148, V of 1876 ... 690
to sanction rates of municipal tolls, s. 151, V of 1876 691
may order municipality to cease levying tolls on navigable channels, s. 163, V of 1876 694
may revise municipal police estimate, s. 171, V of 1876 695
to determine what of expense of police shall be borne by municipality, s. 171, V of 1876 ... 696
may direct Magistrate to be District Superintendent of Police for a municipality, s. 174, V of 1876 ... 696
may order provisions of Part VI of Bengal Municipal Act not to be in force in a municipality, s. 178, V of 1876 697
may order provisions of Part VII of Bengal Municipal Act to be in force in a municipality, s. 234, V of 1876 709
powers of, with regard to blocks of huts in a municipality, ss. 268-270, V of 1876 ... ... 717, 718
may require municipality to appoint a sub-registrar at each burning ghat and burial ground, s. 296, V of 1876 724
to sanction acquisition of land for municipal market, s. 300, V of 1876 725
to confirm municipal bye-laws, s. 314, V of 1876 728
powers of, when municipality fails in its duty, s. 318, V of 1876 ... 729
may extend Chapter III of Bengal Municipal Act, s. 320, V of 1876 ... 730
may vary limits of Union, s. 321, V of 1876 730
may form places into a Union, s. 322, V of 1876 730
may define the limits of a Union, s. 323, V of 1876 730
may extend Chapter IV of Bengal Municipal Act, ss. 352, 354, V of 1876 736
to appoint Commissioners of a Station, s. 356, V of 1876 ... 737
Commissioners of Station to send annual account to, s. 362, V of 1876 738
may suspend operation of Chapter IV of Bengal Municipal Act in a Station, s. 363, V of 1876 ... 738
may declare provisions of Agrarian Disputes Act to be in force, s. 3, VI of 1876 752
may vest officer with powers of a Deputy Collector under Agrarian Disputes Act, s. 4, VI of 1876 ... 752
to specify matters for inquiry under Agrarian Disputes Act, s. 5, VI of 1876 752
to fix dates for application for registration, s. 40, VII of 1876 ... 778
may vest officer with special appellate powers under Land Registration Act, s. 87, VII of 1876 ... 791
may order salary of Deputy Collector to be recovered as part of cost of partition, s. 43, VIII of 1876 ... 814
may order Estates Partition Fund to be formed, s. 45, VIII of 1876 ... 814
may order new allotment of land revenue within 12 years from confirmation of partition, s. 132, VIII of 1876 838
may direct under-assessed estates to refund land revenue to over-assessed estates, s. 133, VIII of 1876 ... 838
See LOCAL GOVERNMENT.

LIEUTENANT-GOVERNOR—(*contd.*)
may vest Collector or Deputy Collector with settlement powers, s. 141, VIII of 1876 841
Board of Revenue to be guided by instructions of, in conducting partitions, s. 151, VIII of 1876 ... 845
may exempt district, etc., from operation of Provincial Public Works Act, s. 1, II of 1877 847
to determine rate of public works cess, s. 4, II of 1877 847
to prescribe application of public works cess, s. 8, II of 1877 ... 848
may define provincial public works, s. 10, II of 1877 848
See LOCAL GOVERNMENT.

LIFE ESTATE—
holder of, not entitled to claim partition, s. 10, VIII of 1876 ... 804

LIGHTING-RATE—
in Howrah, see HOWRAH LIGHTING-RATE.
not to exceed two per cent., s. 88, IV of 1876 571
payable by occupier, s. 89, IV of 1876 571
on what dates payable, s. 89, IV of 1876 572
refund of, when house is vacant, s. 94, IV of 1876 573
when may be imposed on owner, s. 100, IV of 1876 574
when paid by owner may be recovered, s. 102, IV of 1876... ... 574
application of, s. 192, IV of 1876 ... 595

LIME-KILN—
to be registered at Calcutta Municipal office, s. 297, IV of 1876 ... 621
Mofussil municipal license for, s. 285, V of 1876... 721

LIMITATION—
of suits against persons making deposit of rent, s. 6, VI of 1862, *and* s. 31, VIII of 1869 ... 11, 188
of suits under Salt Act, s. 41, VII of 1864 50
of actions and prosecutions under Calcutta Police Act, s. 99, IV of 1866 111
of suits for recovery of damages on account of illegal exaction of rent, etc., s. 27, VIII of 1869 ... 186
of suits for abatement of rent, s. 27, VIII of 1869 186
of suits to eject ryot or cancel lease, etc., s 27, VIII of 1869 ... 187
of suits to recover occupancy of land, farm or tenure, s. 27, VIII of 1869 187
of suits arising out of the exercise of the power of distraint, s. 27, VIII of 1869 187
for the delivery of pottahs or kabuliats, and for the determination of the rates of rent at which pottahs and kabuliats are to be delivered, s. 28, VIII of 1869 187
of suits for arrears of rent, s. 29 VIII of 1869 187
of suits against agents for money, papers, or accounts, s. 30, VIII of 1869 ... 187
of suits for damages against distrainer, s. 100, VIII of 1869 206
of execution in rent suits, s. 58, VIII of 1869 195
of suit under Port Commissioners' Act, s. 87, V of 1870 264
of suit under Pooree Lodging-house Act, s. 36, IV of 1871... ... 297
of suit under Howrah Bridge Act, s. 27, IX of 1871 320
for payment of road cess on houses extended, s. 45, X of 1871 ... 339
of claims for compensation for stoppage or diminution of water supply, s. 13, III of 1876 320
of claims for compensation on account of removal of obstruction or execution of drainage-work, s. 45, III of 1876 528
of prosecutions under Calcutta Municipal Act, s. 351, IV of 1876 ... 635
of suits against Calcutta municipal authorities, s. 357, IV of 1876 ... 636
of suits against Mofussil municipal authorities, s. 374, V of 1876 ... 641
of claims for sums due under Bengal License Act, s. 23, I of 1878 ... 856
of suit to contest liability to pay rent enhanced in settlement proceedings, s. 3, III of 1878 863
of prosecution under Excise Act, s. 72, VII of 1878 888

LINE OF NAVIGATION—
definition of, in Canals' Act, s. 1, V of 1864 29
See CANAL.

LIQUORS—
penalty for keeping place for sale of, without license, s. 18, II of 1866 ... 74
penalty for taking into barracks, man-of-war, or jail, ss. 33, 34, IV of 1866 97, 98
See EXCISE.

LIST—
of licensees under Bengal License Act, ss. 10, 15, I of 1878 ... 853, 854
of persons licensed to exercise profession or trade in Calcutta, s. 82, IV of 1876 569
of papers and property to be made on termination of wardship, s. 78, IV of 1870 232
of persons qualified to vote and be elected at Calcutta municipal election, ss. 28, 29, IV of 1876 551, 552
of persons licensed to keep carriages and animals, s. 74, IV of 1876, *and* s. 130, V of 1876 ... 568, 686

LIVERY STABLE-KEEPER—
Calcutta and Mofussil municipality may compound with, for tax on carriages and animals, s. 69, IV of 1876, *and* s. 129, V of 1876 567, 686

LIVERY STABLE KEEPER—(*contd.*)
power to compel production of books of, s 71, IV of 1876 567
not to keep animals without municipal license, s. 247, IV of 1876, *and* s. 289, V of 1876 ... 609, 723

LOCAL DIVISION—
definition of, in Land Registration Act, s. 3, VII of 1876 763

LOCAL GOVERNMENT—
to appoint 24 members of Calcutta Corporation, s. 6, IV of 1876 ... 548
may make and declare penalties for rules for election of Calcutta Corporation, s. 17, IV of 1876 ... 551
may appoint Commission to report on cleaning and conservancy of Calcutta, s. 28, IV of 1876 ... 555
may order Calcutta Corporation to carry out provisions recommended in report of Commission, s. 29, IV of 1876 556
to appoint Chairman of Calcutta Corporation, s. 30, IV of 1876 ... 556
to sanction leave of absence to Chairman and certain officers of Calcutta Corporation, s. 37, IV of 1876 ... 558
may alter proportion of proceeds of fees for registration of carts to be paid by Calcutta Corporation to municipalities of the Suburbs and Howrah, s. 85, IV of 1876 ... 570
may revise Calcutta police budget, s. 163, IV of 1876 589
amount of Calcutta police estimates to be paid to, s. 165, IV of 1876 590
may declare what environs of Calcutta are to be included in the drainage system, s. 161, IV of 1878 ... 590
to sanction alteration in bed of river of stream receiving sewerage, s. 219, IV of 1876 602
powers of, with regard to blocks of huts, ss. 284—286, IV of 1876 ... 617
to sanction establishment of municipal markets, s. 311, IV of 1876 ... 624
to sanction acquisition of land for municipal markets, s. 313, IV of 1876 624
to sanction issue of Calcutta municipal debentures, ss. 334, 336, IV of 1876 631
to confirm Calcutta municipal bye-laws, s. 342, IV of 1876 ... 663
expenses of Mofussil municipal police on deputation to be paid by, s. 166, V of 1876 695
to direct what language list of licensees under Bengal License Act is to be in, s. 10, I of 1878 ... 853
appeal under Bengal License Act to lie to officer specially empowered by, s. 19, I of 1878 855
may order sum due from municipality under Bengal License Act to be deducted from municipal funds, s. 30, I of 1878 857
may exempt territories from operation of Bengal License Act, s. 39, I of 1878 859
may make rules under Bengal License Act, s. 39, I of 1878 859
may suspend operation of provisions in Excise Act relating to tári, s. 14, VII of 1878 876
may appoint Superintendent and Commissioners of Excise, ss. 32, 33, VII of 1878 880
may confer powers of Excise Officers on other Government officers, s. 41, VII of 1878 882
may exempt any liquor from provisions of Excise Act, s. 82, VII of 1878 890
may assign to municipality certain excise powers, s 84, VII of 1878 ... 890
may appoint any officer to perform the functions of a Deputy Commissioner under the Hazaribagh and Lohardugga Rural Police Act, s. 36, VIII of 1878 901
See LIEUTENANT-GOVERNOR.

LOCOMOTIVE ENGINE—
on railway, not bound to consume its own smoke... 21
on railway, exempted from operation of Bengal Act VI of 1864. s. 10, VI of 1864 37

LODGER—
definition of, in Pooree Lodging-house Act, s. 1, IV of 1871 290

LODGING-HOUSES—
in Calcutta and Suburbs, license for, s. 18, II of 1866, *and* s. 35, IV of 1866 ... ...74, 98
definitions of "lodging-house" and "keeper of a lodging-house," s. 1, IV of 1871 290
in Pooree, Magistrate may grant license for, s. 3, IV of 1871 ... 290
application for and form of license, s. 4, IV of 1871 ... 290, 291
Health Officer to report on, to Magistrate, s. 5, IV of 1871 291
license not to be granted unless certain conditions complied with, s. 6, IV of 1871 291
penalty on lodging-house keeper not taking out license, s. 7, IV of 1871 291
fee for certificate of Health Officer and for license, s. 8, IV of 1871 ... 291
duration of license, s. 9, IV of 1871 ... 292
Magistrate or Health Officer may inspect, s. 10, IV of 1871 ... 292
Magistrate may exempt from inspection, s. 11, IV of 1871... ... 292
keeper of, bound to produce license, s. 12, IV of 1871 292
keeper of, to report births, deaths accidents or sickness, s. 13, IV of 1871 292
keeper of, to report daily number of lodgers during certain periods of the year. s. 13, IV of 1871... ... 292

LODGING HOUSE—(*contd*)
keeper of, to exhibit in front of his house number of license and number of lodgers which he is licensed to accommodate, s 14 IV of 1871 293
Magistrate and Health Officer to record short report of inspection, s 15, IV of 1871 293
penalties on lodging-house keeper, s 17, IV of 1871 . 293
person in charge of, to be liable to penalties, s 18, IV of 1871 .. 293
Magistrate may revoke or suspend license, s 20, IV of 1871 . 294
Magistrate may reduce number of lodgers mentioned in license, s 21, IV of 1871 294
keepers of, may be required to act as census enumerators, s. 8, XI of 1871 356

LOTS—
drawing of, in partition, ss, 97, 98, VIII of 1876 . 827, 828

LUCIFER MATCHES—
not to be introduced into a jute warehouse, s 7, II of 1872 360

LUGGAGE—
driver of hackney carriage bound to carry a reasonable quantity of, ss 31, 33, V of 1866 125

LUNATIC—
proprietor, to be under superintendence of Court of Wards, s 2, IV of 1870 213, 214
proprietor, not subject to jurisdiction of High Court, enquiry as to, s 24, IV of 1870 219, 220
proprietor, declared to be so by a High Court, powers of Court of Wards as to s 25, IV of 1870 . 220
proprietor resident out of Bengal, powers of Court of Wards as to, s 26, IV of 1870 220

MACHINERY—
value of land not to include value of, s. 104, IV of 1876 575

MAGISTRATE—
powers of, in Unions, see UNIONS.
powers of, under Police Acts, see POLICE
powers of, under Labor Districts Emigration Act, see EMIGRATION TO LABOR DISTRICTS, LABOR DISTRICTS.
officer having full powers of, may try cases under Bengal Act V of 1862 6
powers of, with reference to smoke of furnaces, III of 1863 .. .. 21, 22
definition of, in Bengal Act II of 1863 22
definition of, in Bengal Act II of 1864 25
jurisdiction of, under Canals' Act, s. 18, V of 1864 ... 34
definition of, under Salt Act, s 3, VII of 1864 41
powers of, under Salt Act, ss 26, 27, 29, VII of 1864 46, 47
definition of, in Bengal Act III of 1865, s 1, III of 1865 51
may issue search warrant for inflammable oil, s 12, III of 1865 53
may summon owner of inflammable oil, s 13, III of 1865 .. 53
jurisdiction of, in ports subject to Bengal Act III of 1865 53
powers of, under Slaughter-house Act, ss 5, 6, VII of 1865 . 60
Commissioner of Police not ordinarily to be, s 6, IV of 1866 93
may revoke or suspend license of driver of hackney carriage, s. 27, V of 1866 123
may award amends in case of frivolous complaints under Hackney Carriage and Palankeen Act, s 52, V of 1866 131
definition of, in Hackney Carriage and Palankeen Act, s. 53, V of 1866 131
general definition of, in Bengal Acts, s 1, V of 1867 145
authorized to determine charges under Cruelty to Animals' Act, s 7, I of 1869 166
definition of in Village Chowkeedaree Act s 1, VI of 1870 ... 272
may form villages into a union, s 4, VI of 1870 . 273
may pass order on objection by defaulter under Village Chowkeedaree Act, s 30, VI of 1870 277
may dismiss village chowkeedar for misconduct or neglect of duty, s 37, VI of 1870 278
may issue warrant for realization of pay of village chowkeedar, s 45, VI of 1870 279
may raise assessment under Village Chowkeedaree Act, s 47, VI of 1870 . . 280
powers of punchayet may be exercised by, s 62, VI of 1870 ... 283
definition of, in Pooree Lodging-house Act, s 1, IV of 1871 . 290
may grant license for lodging houses, s 3, IV of 1871 291
may inspect lodging house and exempt from inspection, ss 10, 11, IV of 1871 292
may revoke and suspend license for lodging-house, s 20, IV of 1871 . 294
may reduce number of lodgers mentioned in license, s 21, IV of 1871 294
powers with regard to hedges tanks, noxious vegetation, sewers, etc, under Pooree Lodging house Act, ss 26 31—34, IV of 1871 295, 296
suit against, under Pooree Lodging-house Act, s 36, IV of 1871 297
may make bye laws under Pooree Lodging house Act, s 37, IV of 1871 297
jurisdiction of, under Howrah Bridge Act, ss. 30, 31, 32, IX of 1871 320
definition of, in Jute Warehouse and Fire Brigade Act s, 2 II of 1872 538

MAGISTRATE—(*contd.*)
jurisdiction of, in Jute Warehouse and Fire Brigade Act, ss. 32, 33, 34, II of 1872 367
to settle dispute about sum due to Commissioners for raising wreck, s. 3, III of 1872 369
to make registration districts and appoint registrars of births and deaths, s 2, IV of 1873 372
to publish list of registrars of births and deaths and prepare register book, ss. 1, 3, IV of 1873 ... 372
may delegate powers to Subordinate Magistrate, s. 12, IV of 1873 ... 374
may order obstruction to embankment to be removed or damage to be repaired, s 56, VI of 1873 ... 398
of first or second class to try offences under Embankment Act, s. 65, VI of 1873 400
definition of, in Labor Districts Emigration Act, s. 3, VII of 1873 ... 429
of Police, appeal to from decision of Chairman of Calcutta Corporation as to qualification for voting or election, s. 20, IV of 1876... ... 552
definition of, in Bengal Municipal Act, s. 6, V of 1876 655
may issue warrant for distress and sale of property beyond limits of municipality, s. 118, V of 1876 ... 683
to ascertain and award compensation for loss sustained in consequence of private ferry being declared municipal ferry, s. 140, V of 1876 ... 689
may depute municipal police to duties beyond municipality, s. 166, V of 1876 695
may order removal, obstruction, etc., erected before Mofussil Municipal Acts came into force, s. 251, V of 1876 714
when may suspend license under Bengal Municipal Act, s. 294, V of 1876 723
may close unlicensed market, etc., s. 312, V of 1876 727
powers of, with reference to trades' license tax in unions, ss. 28—30, I of 1878 857
person arrested or article seized under Excise Act to be carried before, s. 44, VII of 1878 883
when to issue summons under Excise Act, s. 49, VII of 1878... ... 883
exciseable articles unlawfully sold may be brought before, s. 50, VII of 1878 884
to adjudge fines and seizures under Excise Act, s. 72, VII of 1878 ... 888
may sentence to simple or rigorous imprisonment under Excise Act, s. 74, VII of 1878 889

MAGISTRATE OF THE DISTRICT—
powers and duties of, under Labor Districts Emigration Act, see EMIGRATION TO LABOR DISTRICTS.
powers of, with reference to zemindary dake, VIII of 1862 ... 18, 19
may issue search warrant under Salt Act, s. 27, VII of 1864 ... 47
to have control of civil and criminal jail, s. 3, V of 1865 56
powers of, relating to public ferries, I of 1866 66
powers of, relating to common gaming-house, s. 5, II of 1867... 135, 136
may appoint and remove members of punchayet, ss. 3, 6, 10, VI of 1870 ... ... 272, 273
to be *ex-officio* Commissioner of Mofussil municipality, s. 17, V of 1876 659
when to be Chairman of Mofussil municipality, s. 29, V of 1876 ... 661
may delegate powers as Chairman of Mofussil municipality to Subordinate Magistrate, s. 29, V of 1876 ... 662
in the absence of the Magistrate of a division of a district, may appoint Subordinate Magistrate to officiate as Chairman of Mofussil municipality, s. 29, V of 1876 662
municipal estimate to be submitted to, s. 66, V of 1876 671
may depute municipal police to duties beyond municipality, s. 166, V of 1876 695
police estimate to be transmitted to, s. 170, V of 1876 695
may be vested with functions of District Superintendent of Police, s. 174, V of 1876 696

MAHOMEDAN MARRIAGES AND DIVORCES—
extension of Act for registration of, s. 1, I of 1876 501
Lieutenant-Governor may grant license to register, s. 3, I of 1876 ... 502
when two persons are licensed within the same limits, one to be a member of the Sunni and the other of the Shiah sect, s. 3, I of 1876 ... 502
Registrar to use a seal, s. 4, I of 1876 502
Lieutenant-Governor to supply seal and books, s. 5, I of 1876 ... 502
Registrar to keep register-books of marriages and divorces, s. 6, I of 1876 ... ... 502, 503
entries in register to be numbered, s. 7, I of 1876 503
application for registration of a marriage, s. 8, I of 1876 503
application for registration of a divorce not khula, s. 8, I of 1876 ... 503
application for registration of khula divorce, s. 8, I of 1876... ... 503
duties of Registrar on application, s. 9, I of 1876 503
Registrar may receive gratuity in excess of prescribed fee, s. 10, I of 1876 504
signatures to entry of marriage, s. 11, I of 1876 504
signatures to entry of divorce not khula, s. 11, I of 1876 504
signatures to entry of khula divorce, s. 11, I of 1876 504

MAHOMEDAN MARRIAGES AND DIVORCES—(*contd.*)
copies of entry to be given to applicants, s. 12, I of 1876 505
index of register to be kept up, s. 13, I of 1876 505
contents of index, s. 14, I of 1876 ... 505
index may be inspected and copies of entries taken, s. 15, I of 1876 ... 505
fees for inspection of index and for copies of entries, s. 16, I of 1876 ... 505
Registrar to be subject to control of District Registrar, s. 17, I of 1876 506
in Calcutta Registrar to be subject to control of Inspector-General of Registration, s. 17, I of 1876 ... 506
general authority of District Registrar and Inspector-General of Registration, s. 17, I of 1876 506
Inspector-General to have general superintendence and may frame rules, s. 18, I of 1876 506
rules to be approved by Lieutenant-Governor, s. 19, I of 1876 ... 506
refusal to register to be recorded, s. 20, I of 1876 506
appeal against refusal to register, s. 21, I of 1876 506
copies of entries to be sent monthly to District Registrar, s. 22, I of 1876... 506
registers to be made over to District Registrar, s. 23, I of 1876 ... 507
Lieutenant-Governor may make rules, s. 24, I of 1876 507
Registrar to be deemed a public officer, s. 25, I of 1876 507
non-registration not to render marriage or divorce invalid, s. 26, I of 1876 507
registration not to render marriage or divorce valid, s 26, I of 1876 ... 507
Act not to authorize attendance of Registrar at marriage, s. 26, I of 1876 507
Act not to affect religious rites or usages of natives, s. 26, I of 1876 ... 508
person who is unable to write may put his mark, s. 26, I of 1876 ... 508

MAHOMEDAN REGISTRAR—
definition of, s. 2, I of 1876 ... 502
See MAHOMEDAN MARRIAGES AND DIVORCES.

MAHTOAI—
included in Bhuinhari tenure in Chota Nagpore, s. 1, II of 1869 ... 167

MAINLAND—
construction of ways on island which becomes attached to, s. 5, IV of 1868 152

MAJHAHAS—
includes Bhet-Kheta tenure in Chota Nagpore, s. 1, II of 1869.
See CHOTA NAGPORE TENURES.

MALGOOZARY—
lands to be taken charge of by manager under Court of Wards, s. 45, IV of 1870 224

MAN-OF-WAR—
penalty for taking spirits, liquors, or drugs on board, s. 33, IV of 1866 97, 98

MANAGER—
powers and duties of, under Court of Wards' Act, see COURT OF WARDS.
of Court of Wards and of estates held under khas management may exercise power of distraint, s. 70, VIII of 1869 199
notice to return profits to be served on, under Road Cess Act, s. 29, X of 1871 335
of railroad, may be called on to alter or construct water-course under, s. 19, VI of 1873 387
liability of, under Bengal Municipal Act, s. 6, V of 1876 655
definition of, under Land Registration Act, s. 3, VII of 1876 ... 763
to give notice of establishment of new village, s 30, VII of 1876 ... 774
bound to furnish information to Collector for purposes of registration, s. 30, VII of 1876 774
bound to register under Land Registration Act, s. 38, VII of 1876 777, 778
payment of trade's license tax by, ss. 25, 26, I of 1878 856

MANJEE—
of passenger boat in the port of Calcutta, duties and liabilities of, ss. 63, 65, IV of 1866 105

MANUFACTURE—
of exciseable articles, see EXCISE.
of salt, definition of, s. 3, VII of 1864 41
unlicensed, of salt prohibited, s. 4, VII of 1864 42
unlicensed, of salt, penalty for, s. 5, VII of 1864 42
of salt, license for, s. 7, VII of 1864 43
of salt, rules for regulating, s. 11, VII of 1864 ... ... 43, 44
of gunpowder, penalty for, s. 34, II of 1866 79
of fireworks without license, penalty for, s. 22, II of 1872 364

MANUFACTURER—
of salt, to provide proper warehouse, s. 10, VII of 1864 43

MAPS—
attendance for signature of, s. 11, IV of 1875 485
objections to boundaries laid down in, ss. 12, 13, IV of 1875 485, 486
See SURVEY, PARTITION.

MARKET—
to be drained, paved, etc., s, 289, IV of 1876, *and* s. 271, V of 1876 619, 718
seizure of unwholesome articles of food or drink exposed for sale in, s. 292, IV of 1876, *and* s. 274, V of 1876 ... ... 620, 719

MARKET—(*contd.*)
municipal license for, s. 318, IV of 1876, *and* s. 304, V of 1876 626, 726
unlicensed, may be closed, s. 320, IV of 1876, *and* s. 312, V of 1876 626, 727
improvement of, s. 321, IV of 1876 626
may be vested in Mofussil Municipal Commissioners, s. 34, V of 1876 663
See MUNICIPAL MARKET.

MARKET FUND—
in Mofussil municipality, to be distinct from Municipal Fund, s. 301, V of 1876 725

MARKET VALUE—
to be considered in determining compensation for land taken under Embankment Act, s 33, VI of 1873 ... 391
diminution in, to be considered in determining compensation under Irrigation Act, s. 11, III of 1876 ... 519

MARRIAGE, see MAHOMEDAN MARRIAGES AND DIVORCES.

MASTER—
of emigrant's vessel, see EMIGRATION TO LABOR DISTRICTS, PENALTY.
definition of, in Labor District Emigration Act, s. 3, VII of 1873 ... 430
of steam vessel, to afford facility to surveyors, s 3, V of 1862 ... 3
of steam vessel, when to receive certificate and declaration from surveyor, s. 4, V of 1862 3
penalty on, if steam vessel leaves port of survey without certificate and declaration, s. 5, V of 1862 ... 4
penalty on, for neglecting to hang up certificate and declaration in steam vessel, s. 11, V of 1862 ... 5
penalty on, for refusing to deliver up certificate and declaration, s. 12, V of 1862 5
definition of, in Bengal Act III of 1865, s. 1, III of 1865 ... 51
of ship on board of which inflammable oil is found, may be summoned by Magistrate, s. 13, III of 1865 ... 53
definition of, in Bengal Act III of 1867 139
penalty on, for not having sufficient crew on board, s. 2, III of 1867 ... 137
of steam vessel, penalty on for plying without certificated engineer, s. 12, I of 1868 149
of vessel not liable for damage to goods when landing receipt has been given by Port Commissioners, s. 61, V of 1870 254
of merchant vessel or tug steamer, may be required to act as census enumerator, s. 8, XI of 1871 ... 356
of vessel, may be called on by Port Commissioners to raise wreck, s. 3, III of 1872 369

MEASUREMENT OF LAND—
who entitled to make, s. 9, VI of 1862, *and* s. 25, VIII of 1869 12, 168
procedure in case of opposition to, s. 9, VI of 1862, *and* s. 37, VIII of 1869 ... ... 12, 189
ryot when barred from contesting correctness of, s. 9, VI of 1862, *and* s. 37, VIII of 1869 ... 12, 189
when Collector is to make, s. 10, VI of 1862, *and* s. 38, VIII of 1869 12, 13, 189
procedure if Collector is unable to make, s. 10, VI of 1862, *and* s. 38, VIII of 1869 ... 13, 190
to be made by the pergunnah pole, s. 11, VI of 1862, *and* s. 41, VIII of 1869 ... ... 13, 191
proceedings on completion of, s. 39, VIII of 1869 190
Deputy Collector may order, in partition proceedings, s. 54, VIII of 1876 817

MEASURES—
Commissioner of Police to keep standard measures in his office, s. 56, IV of 1866 103
Police officer may seize false, s. 56, IV of 1866 103

MEAT—
regulations for sale of, s. 4, VII of 1865 59
unfit for food, seizure and destruction of, s. 5, VII of 1865 ... 60

MEDICAL INSPECTOR—
for emigrants, appointment of, s. 12, VII of 1873 432
See EMIGRATION TO LABOR DISTRICTS.

MEDICAL OFFICER—
to be appointed to vessel carrying more than 200 emigrants, s. 70, VII of 1873 447

MEDICINES—
to be taken on emigrant vessel, s. 69, VII of 1873 447
employer bound to provide laborers with, s. 114, VII of 1873 ... 458

MEETING—
of Port Commissioners, conduct of business at, ss. 24—28, V of 1870 245, 246
of Hooghly and Burdwan Drainage Commissioners, ss. 6, 7, 8, V of 1871 302
of district road cess committees, ss. 54—61, X of 1871... ... 341
of Calcutta Corporation, ss. 43—45, IV of 1876 ... 560, 561
of Mofussil Municipal Commissioners, ss. 40—45, V of 1876 665

MEHTER—
not to withdraw from his duties without permission of municipal authorities, s. 195, V of 1876 701
See TOLA MEHTER.

MESNE PROFITS—
claim for, may be included in plaint under Landlord and Tenant Act, s. 51, VIII of 1869 194

MIDWIFE—
to give information about birth of child, s. 7, IV of 1873... ... 373

MILITARY CANTONMENT, see CANTONMENT.

MILITARY OFFICER—
may be required to act as census enumerator, s. 8, XI of 1871 ... 356

MILKMAN—
not to keep animals without municipal license, s. 247, IV of 1876, *and* s. 299, V of 1876 ... 609, 723

MINE—
liable to payment of road cess, s. 28, X of 1871 335
liable to payment of public works cess, s. 6, II of 1877 848

MINOR—
ward, enquiry into age of, s. 22, IV of 1870 219
ward, production of, before Collector, s. 23, IV of 1870 219
ward, education and residence of, ss. 64, 65, IV of 1870 228
See COURT OF WARDS.

MINUTES—
of proceedings at Port Commissioners' meetings, ss. 26, 29, V of 1870 ... 246
of proceedings at meetings of District road cess committees, s. 61, X of 1871 341
of proceedings at meeting of Calcutta Corporation, s, 50, IV of 1876 ... 562
of proceedings at meeting of Mofussil municipal commissioners, s. 45, V of 1876 665

MISTAKE—
not to affect proceedings under Embankment Act, s, 58, VI of 1873 ... 399
not to affect proceedings under Survey Act, s. 49, IV of 1875 498
not to affect proceedings under Partition Act, s. 136, VIII of 1876 ... 839

MONEY-CHANGER—
to give information to Police about stolen property, s. 33, II of 1866, *and* s. 53, IV of 1866 ... 78, 102, 103

MONTH—
general definition of, in Bengal Acts, s. 1, V of 1867 145

MOOKTEAR—
fee of, in rent suits, s. 14, VI of 1862 14
not to be heard in proceeding under Chota Nagpore Tenures' Act without consent of Special Commissioner, s. 21, II of 1869 171

MOOKURRUREE—
tenures, held at fixed rent from time of permanent settlement, cannot be avoided by purchaser of tenure at revenue sale. s 12, VII of 1868 ... 160

MOORING—
may be laid down by conservator of port without sanction of Port Commissioners, s. 56, V of 1870 ... 253
Port Commissioners not to be responsible for damage caused by defect in, s. 1, III of 1872 369
See WHARVES.

MORTALITY—
Lieutenant-Governor may order enquiry into excessive, on estate, s. 119, VII of 1873 460

MORTGAGE—
of ward's property for payment of debts, s. 68, IV of 1870 ... 229

MORTGAGEE—
may apply for registration, s. 44, VII of 1876 780
See LAND REGISTRATION.

MOTHER—
to give information about birth of child, s. 7, IV of 1873 373

MOUZAH—
definition of, in Survey Act, s. 2, IV of 1875 482
entry of, in Mouzahwar Register, s. 24, VII of 1876 772
definition of, in Land Registration Act, s. 3, VII of 1876 764

MOUZAHWAR REGISTER, see LAND REGISTRATION.

MOVEABLE PROPERTY—
execution against, in rent suits, s. 17, VI of 1862 .. ..14, 15
of person dying intestate, may be taken charge of by Commissioner of Police, s. 100, IV of 1866 ... 112
definition of, in Bengal Municipal Act, s. 6, V of 1876 654

MUNICIPAL COMMISSIONERS, see COMMISSIONERS OF CALCUTTA MUNICIPALITY, COMMISSIONERS OF MOFUSSIL MUNICIPALITIES.

MUNICIPAL DEBENTURES—
issue and form of, ss. 334, 335, IV of 1876 631
payment of old, by issue of fresh, s. 336, IV of 1876 631
surplus income of municipality may be invested in, s. 337, IV of 1876 632

MUNICIPAL FUND—
may be reimbursed by Port Fund for maintenance of Police, s. 9, III of 1867 140
of Calcutta, application of, ss. 25, 26, IV of 1876... 554
of Mofussil municipalities, constitution and application of, ss. 59—61, V of 1876 ... ... 668, 669

MUNICIPAL FERRY—
tolls may be levied on, s. 78, V of 1876 674
what ferry may be declared municipal, ss. 139, 140, V of 1876 688, 689
to be maintained by municipality, s. 141, V of 1876 689
rates of tolls on, s. 142, V of 1876 ... 689
cancelment of lease of, s. 144, V of 1876 689
private ferry-boat not to be kept within 2 miles from, without sanction of authorities, s. 146, V of 1876 690

MUNICIPAL MARKETS—
may be provided in Calcutta, s. 311, IV of 1876 624
acquisition of land for, s. 312, IV of 1876 624
bye-laws for, s 313, IV of 1876 ... 625
expulsion of persons disobeying bye-laws, s. 314, IV of 1876 ... 625
sale and lease of, ss. 315, 316, IV of 1876 625
expenditure on, s. 317, IV of 1876 ... 626
establishment of, in the Mofussil, s. 300, V of 1876 725
definition of, in Bengal Municipal Act, s. 302, V of 1876... ... 725

MUNICIPAL POLICE—
to be appointed under Act V of 1861, s. 164, V of 1876 694
not to be employed beyond municipality except under conditions, ss. 165, 166, V of 1876 ... 694, 695
estimate of income and expense of, ss. 167—170, V of 1876 695, 696
to be paid monthly, s. 173, V of 1876 696
expense of, not to exceed a certain amount, s. 171, V of 1876 ... 696

MUNICIPALITY—
definition of, in Bengal Municipal Act, s. 6, V of 1876 655
local Government may assign excise powers to, s. 84, VII of 1878 ...890, 891
See MUNICIPAL COMMISSIONERS, FIRST CLASS MUNICIPALITY, SECOND CLASS MUNICIPALITY.

MUSIC—
license for use of, in the streets, s. 39, II of 1866, *and* s. 62, IV of 1866 ... ... 80, 105

NAIB—
when to be deemed recognized agent of employer in rent suits, s. 32, VIII of 1869 188
when may exercise power of distraint, s. 70, VIII of 1869 199

NAPHTHA—
municipal license for store-house of, s. 285, V of 1876 722

NATURAL DEFECT OR INFIRMITY—
proceedings of Court of Wards when proprietor deemed disqualified on ground of, ss. 27, 28, IV of 1870 220, 221

NAVAL OFFICER—
may be required to act as census enumerator, s. 8, XI of 1871 ... 356

NAVIGABLE CHANNEL—
extension of Canals' Act to, s. 2, V of 1864 30
may be made, cleared, or deepened, s. 3, V of 1864 30
See CANAL.

NAVIGATION—
obstruction to, caused by Howrah bridge, no compensation for, s. 28, IX of 1871.. 320
compensation not to be awarded for stoppage of, s. 11, III of 1876 ... 519
See LINE OF NAVIGATION.

NIGHT-SOIL—
removal of, by municipal authorities, s. 235, IV of 1876 606

NIJ-JOTE—
land, excepted from definition of right of occupancy, s. 6, VIII of 1869 .. 181
land, partition of, s. 106, VIII of 1876 831

NOTICE—
Collector to issue, on receipt of deposit of rent, s. 5, VI of 1862, *and* s. 47, VIII of 1869 ... ...11, 193
of deposit of rent, service of, s. 5, VI of 1862, *and* s. 47, VIII of 1869 ...11, 193
of deposit of rent, form of, Schedule B, VI of 1862, *and* Schedule B, VIII of 1869 ... ...16, 208
of sale of vessel under Canals' Act, s. 9, V of 1864 31
to owner or occupier as to removal of obstruction to line of navigation, s. 14, V of 1864 33
of sale of under-tenure, publication of, s. 4, VIII of 1865 62
of sale of under-tenure, contents of, s 5, VIII of 1865 62
by Police Officer of intention to resign his office, s. 7, II of 1866, *and* s. 14, IV of 1866... ... ...71, 94
of action under Calcutta Police Act, s. 99, IV of 1866 111
of change of ownership of hackney carriage, s. 9, V of 1866 118
of change of residence, by owner or driver of hackney carriage, s. 10, V of 1866 118
service of, under Bengal Act VII of 1868 157
may be served on persons liable to demands, before proceeding to realize them, s. 6, VII of 1868 ... 158
similar to that under section 7 of Act XI of 1859, to be posted at subdivisional cutcherry, s. 7, VII of 1868 158

NOTICE—(*contd.*)
certificate to be conclusive evidence of regularity of service of, s. 8, VII of 1868 158
of enhancement of rent, s. 14, VIII of 1869 183
of relinquishment of land by ryot, s 20, VIII of 1869 185
of sale of under-tenure under Rent Act, ss. 60, 61, VIII of 1869 ... 196
to person whose property has been distrained, s. 80, VIII of 1869 ... 201
must be given to Collector to protect estate of minor and from sale for arrears of revenue, s. 6, IV of 1870. 216
of audit and examination of Port Commissioners' accounts, s. 53, V of 1870 252
to owner of goods of sale to defray Port Commissioners' dues, s. 72, V of 1870 260
of sale of defaulter's property under Village Chowkeedaree Act, s. 28, VI of 1870... 276
of arrears of assessment on chowkeedaree chakran lands, s. 54, VI of 1870 281
of action under Village Chowkeedaree Act, s. 63, VI of 1870 283
service of, under Pooree Lodging-house Act, s. 35, IV of 1871 297
of hearing of appeal by Commissioner under Hooghly and Burdwan Drainage Act, s. 26, V of 1871 ... 307
service of, under Hooghly and Burdwan Drainage Act, s. 45, V of 1871 311
of suit under Howrah Bridge Act, s. 27, IX of 1871 320
to make return of lands under Road Cess Act, s 6, X of 1871 ... 328
may be served on cultivating ryot under Road Cess Act, s. 13, X of 1871 ... 331
of amount of road cess payable to be served on holder of estate or tenure, s. 22, X of 1871 333
to return profits under Road Cess Act, ss. 29, 30, X of 1871 335
of Collector's valuation of profits under Road Cess Act, s. 33, X of 1871 ... 336
of road cess payable on account of mines, railways, &c., s. 36, X of 1871 337
to punchayets and assessors requiring valuation of houses under Road Cess Act, s. 41, X of 1871 338
service of, under Road Cess Act, s. 95, X of 1871 349
of cessation of occupancy must be given by person liable to pay Howrah lighting-rate, s. 9, V of 1873 ... 377
requiring alteration of gas-work may be given by Municipal Commissioners of Howrah, s. 11, V of 1873 ... 378
of order of execution of works under Embankment Act, s. 8, VI of 1873 .. 385
of entry into building by engineer, s. 24, VI of 1873 389
as to claims for compensation for land taken under Embankment Act, s. 28, VI of 1873... 390
of inquiry for purpose of apportionment under Embankment Act, s. 41, VI of 1873 394
service of, under Embankment Act, s. 57, VI of 1873 .. ...398, 399
of arrival of emigrants at depôt, s. 52, VII of 1873 442
of arrival of emigrants at place of disembarkation, s. 81, VII of 1872 ... 450
of change of occupation of jute warehouse, s. 4, II of 1875 473
special, to attend before Collector under Survey Act, s. 7, IV of 1875 ... 484
requiring occupant to clear boundary line, s. 9, IV of 1875 484
under Survey Act, to attend and sign maps and papers, s. 11, IV of 1875 484, 485
of provisional apportionment of expenses of erecting boundary marks, s. 25, IV of 1875 489
of final apportionment of expenses of erecting boundary marks, s. 29, IV of 1875 491
of summary apportionment of expenses of erecting boundary marks, s. 32, IV of 1875 492
of apportionment among tenure-holders of expenses of erecting boundary marks, s. 35, IV of 1875 493
service of, under Survey Act, s. 48, IV of 1875 497
as to claims for compensation for water taken for irrigation purposes, s. 8, III of 1876 517
to appear before Collector and state claims for compensation for water, s. 9, III of 1876 518
service of, under Part II of Irrigation Act, s 32, III of 1876... ... 524
to occupier of entry on land by Canal Officer, s. 36, III of 1876 ... 525
public, of municipal valuation, s. 112, IV of 1876 577
special, of increase of municipal valuation, s 113, IV of 1876 ... 577
of appeal against municipal assessment, s. 115, IV of 1876 578
of day for hearing appeals against municipal assessment, s. 116, IV of 1876 578
of municipal demand, s. 122, IV of 1876 580
of municipal distress, s. 123, IV of 1876 580
of laying out new street, s. 200, IV of 1876 596
of removal of projection in front of house, ss. 208, 209, IV of 1876 598, 599
of suit against Calcutta municipal authorities, s. 357, IV of 1876 ... 636
service of, under Calcutta Municipal Act, ss. 363, V of 1876 637
of suit against Mofussil municipal authorities, s. 374, V of 1876 ... 741
service of, under Bengal Municipal Act, ss. 368, 369, V of 1876 ... 739
of change in registers must be given to persons affected, s. 28, VII of 1876 773
to give information under Land Registration Act, ss. 30, 31, VII of 1876 775

NOTICE—(*contd.*)
that lands will be included in a revenue-free property entered in General Register, s. 37, VII of 1876 ... 777
to appear and object to registration, ss. 48—51, VII of 1876 780, 781
of changes in registers made by competent authority, s. 77, VII of 1876 789
of application for partition, s. 22, VIII of 1876 807
of commencement of partition, s. 51, VIII of 1876 816
requiring attendance of proprietor for partition, s. 56, VIII of 1876 ... 817
service of, under Partition Act, s. 135, VIII of 1876 839
to attend and sign *jummabundi* deemed to be notice of enhancement of rent, s. 4, III of 1878 863
service of, under Hazaribagh and Lohardugga Rural Police Act, s. 36, VIII of 1878 901
of alteration of assessment for village police to be given to headman, s. 9, VIII of 1878 896
to zemindar or under-tenure-holder, to pay salaries of village policeman, s. 14, VIII of 1878 896
of assessment on lands benefited by embankment, s. 2, VII of 1866 ... 904
of apportionment of expense of constructing sluice, s. 6, VII of 1866... 905

NOTIFICATION—
of extension of Canals' Act, s. 2, VII of 1864 30
of rules under Salt Act, s. 11, VII of 1864 43
of limits for possession and transport of Salt, s. 12, VII of 1864 ... 44
of extension of Bengal Act IV of 1865, s. 3, IV of 1865 55
of extension of Slaughter-house Act, s. 9, VII of 1865 61
of extension of Hackney Carriage and Palankeen Act, s. 54, V of 1866 ... 132
of extension of Gambling Act, s. 2, II of 1867 134
to be made before sale of tenure for arrears of revenue, s. 11, VII of 1868 159
of extension of Bengal Act III of 1869 173
of cessation of change of Court of Wards, s. 77, IV of 1870 ... 232
that Port Commissioners' wharves, etc., are ready for landing and shipping goods, s 62, V of 1870... ... 255
of sale of chowkeedaree chakran lands, s. 55, VI of 1870 281
of Hooghly and Burdwan drainage scheme, s. 10, V of 1871 ... 303
of registration of births and deaths, s. 1, IV of 1873 371
that maps and papers are open to inspection, s. 12, IV of 1875 ... 485
that water is to be used for irrigation, s. 6, III of 1876 517
of construction of village-channel, s. 51, III of 1876 529
of extension of Bengal Municipal Act, ss 8, 9, V of 1876 657
by Mofussil municipal authorities that work is required to be done, s. 179, V of 1876 697
by Deputy Collector of commencement of partition, s. 51, VIII of 1876 ... 816
to attend for purposes of partition, s. 55, VIII of 1876 817
for determining general arrangement of partition, s. 63, VIII of 1876 ... 819
by Collector that he will take up partition, s. 80, VIII of 1876 ... 823
publication of, under Partition Act, s. 134, VIII of 1876 839
under Bengal License Act, s. 15, I of 1878 854

NUISANCE—
arising from smoke of furnaces, II of 1863 ... ... 21, 22
Mofussil municipal authorities may direct prosecution for public, s. 317, V of 1876 728
suit for, not affected by Bengal Municipal Act, s. 378, V of 1876 ... 749
in stations, prohibition of, s. 357, V of 1876 738

OATH—
general definition of, in Bengal Acts, s. 1, V of 1867 145

OBSTRUCTION—
of police officer inspecting furnace, s 3, II of 1863 22
to line of navigation, removal of, ss. 13, 14, V of 1864 33
penalty for causing, to line of navigation, s. 16, V of 1864 33
penalty for causing, in thoroughfares or foot ways, s. 40, II of 1866, *and* s. 66, IV of 1866 ... 81, 107
penalty for causing, at bathing-places, s. 40, II of 1866, *and* s. 66, IV of 1866 ... ... 82, 107
Magistrate may order removal of, under Embankment Act, s. 56, VI of 1873 398
in public street, removal of, s. 199, IV of 1876 596
in front of house, removal of, ss. 208, 209, IV of 1876 ... 598, 599
on road or open drain in Mofussil municipality, removal of, ss. 215, 217, V of 1876 ... 704, 705
in front of house in Mofussil municipality, removal of, ss. 218, 251, V of 1876 ... ... 706, 714

OCCUPANCY RYOT, see RYOT.

OCCUPANT—
definition of, in Survey Act, s. 2, IV of 1875 482

OCCUPIER—
penalty on, for using furnace which does not consume its own smoke, s. 1, II of 1863 21

BENGAL SECRETARIAT

OCCUPIER—(*contd.*)
notice to, in case of removal of obstruction in line of navigation, s. 14, V of 1864 33
of slaughter-house, must make drains, s. 3, VII of 1865 59
of common gaming-house, penalty on, s. 25, II of 1866, *and* s. 44, IV of 1866 ... ... 76, 101
of house in village, liable to assessment under Village Chowkeedaree Act, s. 14, VI of 1870 274
of land, to trim hedges and trees near public highway, s. 26, IV of 1871 295
of house, to remove dirt under penalty, s. 27, IV of 1871 295
of drain, etc., penalty on, for not keeping in proper state, s. 30, IV of 1871 295
notice to return profits to be served on, under Road Cess Act, s. 29, X of 1871 335
who has paid excess road cess may deduct excess from rent, s. 36, X of 1871 337
of house, liable to pay road cess, s. 39, X of 1871 338
of house, may deduct one-half of road cess paid from rent, s. 39, X of 1871 338
of house, time of payment of road cess for, s. 45, X of 1871 ... 339
of jute warehouse, must obtain license, s. 4, II of 1872 359
of premises within which fireworks are let off, liable to penalty, s. 24, II of 1872 364
of house, to give information about death, s. 8, IV of 1873 ... 373
to pay rate for lighting Howrah with gas, s. 4, V of 1873... ... 376
liable to Howrah lighting-rate for time of occupation only, s 9, V of 1873 377
to be liable to Howrah lighting-rate if he does not give notice of cessation of occupancy, s. 9, V of 1873 ... 377
notice to, of entry on premises by Canal Officer, s. 36, III of 1876 ... 525
of house, may be required to forward list of persons residing in his house and of their professions, s. 80, IV of 1876 569
liable to pay water, police, and lighting rates, s. 89, IV of 1876 ... 571
person subletting deemed to be, s. 97, IV of 1876... 573
paying water-rate may deduct one-fourth from rent, s. 98, IV of 1876 573
may be required to furnish return of measurements or rent, s. 110, IV of 1876 577
may deduct from rent municipal due paid for owner, s. 126, IV of 1876 581
entitled to what supply of water, s. 133, IV of 1876 582
in whose house water is wasted or water works out of repair, liable to penalty, s. 141, IV of 1876 ... 584
may require owner to provide works for water-supply, s. 150, IV of 1876 586
to pay interest on cost of works for water-supply, s. 150, IV of 1876 586
in default of, owner may execute works for water-supply and deduct cost from rent, s. 151, IV of 1876 ... 587
not to commence works for water-supply without sending specification and estimate of cost to owner, s. 153, IV of 1876 587
of house, to give information for census, s. 182, IV of 1876 ... 593
to remove projection in front of house, ss. 208, 209, IV of 1876 598, 599
to trim hedges and trees overhanging public street, s. 212, IV of 1876 ... 600
to enclose private privy, s. 245, IV of 1876 608
to pay fees for municipal night soil establishment, s. 244, IV of 1876 ... 608
to take down hut built without authority, s. 278, IV of 1876 ... 616
to carry out sanitary measures for blocks of huts, s. 281, IV of 1876 617
to drain, etc., place for sale of provisions and slaughter-house, s. 289, IV of 1876 619
to register place used for dangerous or offensive trade, s. 297, IV of 1876 621
service of notice on, s. 364, IV of 1876 638
not liable to pay more money in respect of expenses charged on owner than rent due to owner, s. 367, IV of 1876 639
in default of, owner may execute work and deduct expenses from rent, s. 368, IV of 1876 639
rate on holdings may be recovered from occupier, who may deduct amount from his rent, s. 96, V of 1876 678
requisition, to execute works, s. 179, V of 1876 697
apportionment of expenses among occupiers, s. 185, V of 1876 ... 699
may deduct from rent cost of works which ought to be borne by owner, s. 188, V of 1876 700
of land, may contest his liability to pay expenses in Civil Court, s. 189, V of 1876 700
to deposit offensive matter in proper place, s. 194, V of 1876 ... 701
to place rubbish on public road at proper hours, s. 196, V of 1876 ... 701
to pay expenses of municipal inspection of privies, etc., s. 200, V of 1876 702
to remove noxious vegetation and improve drainage, s. 204, V of 1876 ... 703
to cleanse private tank, s. 211, V of 1876 704
to remove projection in front of house, s. 218, V of 1876 705
to trim hedges and trees near road, s. 222, V of 1876 707
to protect dangerous place, s. 224, V of 1876 707
to repair or pull down house in a ruinous state, s. 226, V of 1876 ... 707
to repair drain, etc , s. 235, V of 1876 710

OCCUPIER—(*contd.*)
to remove latrine within 50 feet of a public tank, s. 246, V of 1876 ... 713
to remove projection in front of house on road, s. 251, V of 1876 ... 714
to remove huts built without notice, s. 262, V of 1876 716
to carry out sanitary measures for blocks of huts, s. 265, V of 1876 ... 717
to drain and pave slaughter-house, s. 271, V of 1876 718
of land service of notice on, s. 368, V of 1876 739
assessment of, in union, s. 329, V of 1876 ... ... 731, 732
who is too poor to pay may be exempted from assessment in Union, s. 333, V of 1876 732
may be required by Collector to forward statement of persons residing in house, etc., s. 11, I of 1878 ... 853
latrine fees payable by, in first-class municipality, s. 4, VI of 1878 ... 866
may be required to furnish list of persons residing in holding, s. 15, VI of 1878 868
of house, liable to assessment for village police, s. 7, VIII of 1878 ... 895

OFFENSIVE MATTER—
definition of, in Bengal Municipal Act, s. 6, V of 1876 655
removal of, by municipal authorities, s. 294, V of 1876 701

OIL-BOILING-HOUSE—
to be registered at municipal office, s 297, IV of 1876 621
municipal license for, s. 285, V of 1876 721

OPIUM-SHOP—
penalty for keeping without license, s. 18, II of 1866, *and* s. 35, IV of 1866 ... ... 74, 98

ORCHARDS—
partition of, s. 90, VIII of 1876 ... 826

ORISSA—
duty on salt manufactured in, s. 9, VII of 1864 43
Pooree Lodging-house Act may be extended to towns or villages used as pilgrim stages, s. 39, IV of 1871 ... 299
excluded from operation of Embankment Act, s. 1, VI of 1873 ... 382

OWNER—
of hackney carriage and palankeen, duties and liabilities of, see HACKNEY CARRIAGE, PALANKEEN, PENALTY.
of steam vessel, to afford facility to surveyors, s. 3, V of 1862 ... 3
of steam vessel, when to receive certificate and declaration from surveyor, s. 4, V of 1862 3
penalty on, if steam vessel leaves port without certificate and declaration, s. 5, V of 1862 4
penalty on, for neglecting to hang up certificate and declaration in steam vessel, s 11, V of 1862 ... 5
penalty on, for refusing to deliver up certificate and declaration, s. 12, V of 1862 5
to remove obstruction to line of navigation, s. 14, V of 1864 ... 33
of boiler or prime-mover, duties and liabilities of, ss. 4, 5, 7, 8, VI of 1864 ... ... 36, 37
definition of, in Bengal Act III of 1865, s. 1, III of 1865 ... 51
of inflammable oil, may be summoned by Magistrate, s. 13, III of 1865 ... 53
of slaughter-house, must drain and clean them, s. 3, VII of 1875 ... 59
of common gaming-house, penalty on, s. 25, II of 1866, *and* s. 44, IV of 1866 ... ... 77, 100
of passenger boat in port of Calcutta, duties and liabilities, ss. 63, 65, IV 1866 105
definition of, in Bengal Act III of 1867 139
penalty on, for not having sufficient crew on board, s. 2, III of 1867 ... 139
of vessel, may compound for Police Port dues and Hospital Port dues, s. 14, III of 1867 141
of steam vessel, to pay additional fees, s. 5, I of 1868 148
of steam vessel, penalty on for plying without certificated engineer, s. 12, I of 1868 149
of vessel, not liable to damage to goods after landing receipt has been given by Port Commissioners, s. 61, V of 1870 254
of house in village, liable to assessment under Village Chowkeedaree Act, s. 14, VI of 1870 ... 274
of land, to trim hedges and trees near public highway, s. 26, IV of 1871 295
of cattle, etc., penalty on, for allowing stall, etc., to be in a filthy state, s. 28, IV of 1871 295
of private drain, penalty on, for neglecting to keep in proper state, s. 30, IV of 1871 295
notice to return profits to be served on, under Road Cess Act, s. 29, X of 1871 335
who has paid excess road cess may recover from occupier, s. 36, X of 1871 337
of jute warehouse, must obtain license, s. 4, II of 1872 359
of premises within which fire-works are let off, liable to penalty, s. 24, II of 1872 364
of vessel, may be called on by Port Commissioners to raise wreck, s. 3, III of 1872 369
when to pay Howrah lighting-rate, s. 6, V of 1873 376

OWNER—(*contd*).
who has paid Howrah lighting-rate may recover from occupier, s. 7, V of 1873... ... 376, 377
may recover Howrah lighting-rate from occupier as rent, s. 8, V of 1873 377
who has failed to give notice of cessation of occupancy, liable to payment of Howrah lighting-rate, s. 9, V of 1873 377
of gaswork may be required to alter its situation, s. 11, V of 1873 ... 378
definition of, in Irrigation Act, s. 3, III of 1876 517
of village-channel, obligations and rights of, s. 59, III of 1876 ... 531
of village-channel, may resign or transfer interest, ss. 61, 62, III of 1876 532
definition of, in Calcutta Municipal Act, s. 3, IV of 1876 546
to pay house-rate and drainage-rate, s. 89, IV of 1876 571
may recover difference from occupier, if assessment of house is higher than amount paid by occupier, s. 90, IV of 1876 572
to pay one-fourth of water-rate, when house is vacant, s. 99, IV of 1876 574
when may be assessed with water, police and lighting rates, s. 100, IV of 1876 574
who has paid water-rate, may recover three-fourths from occupier, s. 101, IV of 1876 574
who has paid police and lighting rates may recover them from occupier, s. 102, IV of 1876 574
may be required to furnish returns of measurements or rent, s. 110, IV of 1876 577
may be required by occupier to provide works for water-supply, s. 150, IV of 1876 586
to keep works for water-supply in repair, s. 156, IV of 1876 ... 588
may recover as rent interest on cost of works for water-supply, s. 157, IV of 1876 588
not to commence works for water-supply without sending specification and estimate of cost to occupier, s. 153, IV of 1876 ... 587
to pay for paving of public street in accordance with frontage of land, s. 202, IV of 1876 597
of house in public street, to put up troughs and pipes, s. 207, IV of 1876 598
to remove projection in front of house, ss. 208, 209, IV of 1876 598, 599
of house in public street, may put up verandahs, balconies, etc., s. 210, IV of 1876... 599
to trim hedges and trees overhanging public street, s. 212, IV of 1876 ... 600
to make drain leading into sewer, s. 217, IV of 1876 601
of untenanted house may be required to secure and clean it, s. 240, IV of 1876 607
of privy, bound to enclose it, s. 245, IV of 1876 608
of tank, etc., to drain it or fill it up, s. 257, IV of 1876 611
of land, to protect dangerous places, s. 262, IV of 1876 612
of house in ruinous state, to repair it or pull it down, s. 266, IV of 1876 613
to remove huts built without authority, s. 278, IV of 1876 ... 616
to carry out sanitary measures for blocks of huts, ss. 281, 285, IV of 1876 617
to drain, etc., place for sale of provisions and slaughter-house, s. 289, IV of 1876 619
to register place used for dangerous or offensive trade, s. 297, IV of 1876 621
of market or bazar, to execute work required by municipal authorities, s. 321, IV of 1876 627
service of notice on, s. 364, IV of 1876 638
execution of works by municipal authorities in default of, s. 365, IV of 1876 638
may repay by quarterly instalments expenses incurred by municipal authorities, s 372, IV of 1876 ... 640
definition of, in Bengal Municipal Act, s. 6, V of 1876 655
to pay rate on holdings in Mofussil municipality, s. 94, V of 1876 ... 678
of house who is not owner of land on which it stands may deduct proportion of rate from rent which he pays for the land, s. 95, V of 1876 678
may apply for reduction of valuation of holding, s. 98, V of 1876 ... 679
to pay tax on carriages, horses, etc., s. 124, V of 1876 685
to clear noxious vegetation, etc., s. 204, V of 1876 702
to cleanse private tank, etc., s. 211, V of 1876 704
to remove projection in front of house, s 218, V of 1876 ... 705, 706
to trim hedges and trees near roads, s. 222, V of 1876 707
to protect dangerous place, s. 224, V of 1876 707
to repair or pull down house in a ruinous or dangerous state, s. 226, V of 1876 707
to repair drain, etc., s. 235, V of 1876 710
to enclose privy, s. 238, V of 1876 ... 711
to drain land within 100 feet of sewer, s. 242, V of 1876 712
to remove projection on road, s. 251, V of 1876 714
of block of huts, to carry out improvements, s. 265, V of 1876 ... 717
to drain market or slaughter-house, s. 271, V of 1876 718

OWNER—(*contd.*)
of existing market to receive license for the current year, s. 307, V of 1876 726
of land, service of notice on, s. 368, V of 1876 739
latrine fees, when leviable from, in first-class municipality, s. 5, VI of 1878 867
who has paid latrine fees may recover them from occupier as rent, s. 6, VI of 1878 867
may be required to construct latrine in first-class municipality, s. 15, VI of 1878 868
may be required to furnish list of persons residing in holding, s. 15, VI of 1878 868
of house, liable to assessment for village police, s. 7, VIII of 1878 ... 895
of land, may recover excess amount charged for embankment, s. 4, VII of 1866 905
definition of, in Bengal Act VII of 1866 907

PACHWAI—
wholesale and retail sale of, defined, s. 15, VII of 1878 876

PAHNAI—
included in Bhuinhari tenure in Chota Nagpore, s. 1, II of 1869 ... 167

PALANKEEN—
registration of, s. 43, V of 1866 ... 128
particulars to be entered in register, s. 44, V of 1866 128
number must be painted on, s. 45, V of 1866 128
penalty in case of neglect to register or have number painted, s. 45, V of 1866 128
table of fares must be exhibited in, s. 46, V of 1866 128
fares for, s. 47, V of 1866 ... 129
owner to be bound by contract for less payment than is fixed by Act, s. 47, V of 1866 129
registry of bearers, licenses, tickets, fee for license, s. 48, V of 1866 ... 129
to what distance and at what speed bearers bound to go, s. 49, V of 1866 129
additional fare for greater rate of speed, s. 49, V of 1866 ... 129
owners and bearers liable to penalties to which owners and drivers of hackney carriages are liable, s. 49, V of 1866 130
property left in, to be deposited at Police Office, s. 50, V of 1866 ... 130
property to be returned to owner on payment of expenses, s. 50, V of 1866 130
property may be sold if not claimed within a year, s. 50, V of 1866 ... 130
adjudication and recovery of penalties relating to, s. 51, V of 1866 130, 131
amends for frivolous complaints relating to, s. 52, V of 1866 ... 131
Act for, extended to certain places, s. 54, V of 1866 132
table of rates and fares for, Schedule B, V of 1866 133

PARENT ESTATE—
definition of, s. 4, VIII of 1876 ... 801
See PARTITION.

PARTITION—
of wards' property ordered to be sold or mortgaged, s. 68, IV of 1870 ... 229
disposal of cases pending at commencement of Partition Act, s. 3, VIII of 1876 799
assessment of revenue on each separate estate, s. 6, VIII of 1876 ... 802
what to be deemed rental of land, s. 7, VIII of 1876 802
who entitled to claim partition, s. 8, VIII of 1876 803
partition of share in estate held in common tenancy, s. 9, VIII of 1876 803
partition of proprietary right of certain specific mouzahs or lands forming part of parent estate, s. 9, VIII of 1876 803
partition of undivided share held in common tenancy in certain specific mouzahs or tracts not extending over the whole area of the parent estate, s. 9, VIII of 1876 ... 803
holder of life estate not entitled to claim, s. 10, VIII of 1876 ... 804
partition not allowed if separate estate would be liable for annual amount of revenue not exceeding Re. 1, unless proprietor agrees to redeem, s. 11, VIII of 1876 804
partition of estate in which private division has been made not to be made except on joint petition of proprietors or on order of Civil Court, s. 12, VIII of 1876 ... 804
Collector may refuse partition which would split up estate into small parcels so as to endanger the safety of the revenue, s. 13, VIII of 1876 804
person who has alienated interest with special condition as to revenue liability not entitled to partition, unless condition is waived, s. 14, VIII of 1876 805
arrears of revenue may be realized by sale of parent estate, s. 15, VIII of 1876 805
protection of shares by opening separate accounts under Act XI of 1849 not affected, s. 16, VIII of 1876 ... 805
when share to be sold subject to partition proceedings, s. 16, VIII of 1869 806
application for partition to be made to Collector, s. 17, VIII of 1876 .. 806
signature and contents of application, s. 18, VIII of 1876 806
application must be accompanied by copy of rent-roll and statement of rents, s. 19, VIII of 1876 ... 806

PARTITION—(*contd.*)
attestation, presentation, and verification of rent-roll, etc., s. 19, VIII of 1876 807
application must state reason for non-production of rent-roll, etc., s. 19, VIII of 1876 807
when Collector may reject application or order it to be amended, s. 20, VIII of 1876 807
Collector to publish notification of application, s. 21, VIII of 1876 ... 807
notice to be served on proprietors who have not joined in application, s. 22, VIII of 1876 807
Collector may reject application if valid objection made within time allowed, s. 23, VIII of 1876 ... 807
if objection raises question of title or right, Collector may proceed with partition or postpone it for four months, s. 24, VIII of 1876 ... 808
when Collector may resume partition, s. 25, VIII of 1876 808
suit in Civil Court when not to affect progress of partition, s. 26, VIII of 1876 808
form and nature of decree passed after parent estate has been declared under partition. s. 27, VIII of 1876 808, 809
form and nature of decree passed after partition is completed, s. 28, VIII of 1876 ... ... 809, 810
execution of decree passed after partition is completed, s. 28, VIII of 1876 810
Civil Court may order partition, but may not specify amount of revenue for which separate estate is to be liable, s. 29, VIII of 1876 ... 810
Civil Court may not direct Collector to carry out partition otherwise than in accordance with Act, s. 30, VIII of 1876 810
when Collector may declare estate to be under partition, s. 31, VIII of 1876 810
particulars of Collectors' order declaring estate to be under partition, s. 31, VIII of 1876 ... 810, 811
powers of Collector when subsequent application is made for separation of another share, s. 32, VIII of 1876 811
Collector may refer application to Deputy Collector, s. 33, VIII of 1876 811
orders which must be passed by Collector, s. 33, VIII of 1876 ... 811
Collector may appoint Deputy Collector to carry out partition, s. 34, VIII of 1876 812
Collector may stay partition on petition of parties and payment of costs, s. 35, VIII of 1876 812
when Commissioner may strike partition case off the file, s. 36, VIII of 1876 812
recovery of costs of such partition, s. 36, VIII of 1876 812
Deputy Collector may appoint officers for making measurement of lands, etc., s. 37, VIII of 1876 ... 812
special establishments may be appointed in Collector's or Commissioner's office, s. 38, VIII of 1876 ... 813
cost of partition to be levied in accordance with rules laid down by the Board of Revenue, s. 39, VIII of 1876 813
apportionment of costs, s. 40, VIII of 1876 813
excess of proper share of costs may be recovered from proprietor who has vexatiously put obstacles in way of partition, s 40, VIII of 1876 ... 813
Deputy Collector may declare and apportion cost of local inquiry, s. 41, VIII of 1876 ... 813
after completion of partition Collector to declare total cost of the same, s. 42, VIII of 1876 813
salary of Deputy Collectors when to be deemed cost of partition, s. 43, VIII of 1876 814
what deemed to be costs of partition for purposes of secs. 39, 40, and 42 of Partition Act, s. 44, VIII of 1876 814
Lieutenant-Governor may direct Estates' Partition Fund to be formed, s. 45, VIII of 1876 814
procedure when Estates' Partition Fund is formed in any district, s. 46, VIII of 1876 814
scale of fees to be revised by the Board of Revenue, s. 47, VIII of 1876 815
fees to be levied in accordance with rules made by the Board of Revenue, s. 47, VIII of 1876 ... 815
abstract of Estates' Partition Fund to be published, s. 48, VIII of 1876 ... 815
what expenses of partitions chargeable to Estates' Partition Fund, s. 49, VIII of 1876 815
when Civil Court may order parties to pay partition expenses, s. 50, VIII of 1876 815
Civil Court to transmit copies of orders to Collector, s. 50, VIII of 1876 816
Collector to levy fees and expenses in the proportion ordered by Civil Court as if levy had been ordered by Collector, s. 50, VIII of 1876 ... 816
as soon as estate is under partition Deputy Collector to publish notification requiring production of rent-rolls, etc., s. 51, VIII of 1876 ... 816
Deputy Collector to serve notice on each proprietor of the parent estate, s. 51, VIII of 1876 816
Deputy Collector may extend period for producing return, s. 51, VIII of 1876 816
subscribing and verification of rent-roll, etc., s. 52, VIII of 1876 ... 816
penalty for making false statement in rent-roll, etc., s. 52, VIII of 1876 ... 817
procedure if person required cannot produce rent-roll, etc., s. 53, VIII of 1876 817

PARTITION—(*contd.*)
Deputy Collector may order measurement of lands and prepare rent-roll, s. 54, VIII of 1876 ... 817
Deputy Collector may test rent-roll which has been produced, s. 55, VIII of 1876 817
Deputy Collector to publish notification requiring proprietors, etc., to attend, s. 55, VIII of 1876 ... 817
Deputy Collector and ameen may by notice require attendance of proprietor, etc., s. 56, VIII of 1876 ... 817
Deputy Collector to test ameen's work, s. 57, VIII of 1876 ... 817, 818
Deputy Collector may examine persons and shall allow parties to put questions, s. 58, VIII of 1876 ... 818
Deputy Collector to decide what papers are to be accepted for the purposes of the partition, s. 58, VIII of 1876 818
power of Deputy Collector if proprietor or other person fails to produce rent-roll, etc., ss. 59, 60, VIII of 1876 818
Deputy Collector may dispense with rent-roll, etc., s. 61, VIII of 1876... 819
proprietor, etc., who has failed to attend not entitled to object subsequently, s. 62, VIII of 1876 ... 819
Deputy Collector to fix a day for determining general arrangement of the partition, s. 63, VIII of 1876 ... 819
Deputy Collector may allow parties to make a private partition, s. 64, VIII of 1876 819
Deputy Collector may refer partition to arbitration, s. 64, VIII of 1876... 819
if private partition is not made within time allowed, Deputy Collector may refer partition to an arbitrator or make it himself, s. 64, VIII of 1876 820
sections 506 to 522 of Civil Procedure Code applicable to arbitration proceedings, s. 65, VIII of 1876 ... 820
arbitrators to deliver partition paper within time to be fixed by Deputy Collector, s. 66, VIII of 1876 ... 820
fees for arbitrators, s. 67, VIII of 1876 820
approval and disallowance of partition made by arbitrators, s. 68, VIII of 1876 820
when partition has been made by arbitrators Collector to assess revenue on each separate estate, s. 69, VIII of 1876 820
Deputy Collector may withdraw the case from arbitration if paper of partition be not delivered within time fixed, s. 70, VIII of 1876 ... 820
Deputy Collector to settle general arrangement of the partition, ss. 71, 74, VIII of 1876 821
Deputy Collector may postpone settlement of general arrangement of partition, s. 72, VIII of 1876 ... 821
Deputy Collector may award compensation for attendance to proprietors, s. 73, VIII of 1876 821
Collector to sanction general arrangement of partition, s. 75, VIII of 1876 822
Deputy Collector to fix boundaries of each separate estate, s. 76, VIII of 1876 822
Deputy Collector to prepare paper of partition and map, s. 77, VIII of 1876 822
Deputy Collector to submit partition paper and map with full report to Collector, s. 78, VIII of 1876 ... 822
Deputy Collector to prepare extracts of partition paper for each proprietor, s. 79, VIII of 1876 823
Deputy Collector to publish notice calling on proprietor to take extract from his office, s. 79, VIII of 1876... 823
extract of map may be annexed to partition paper, s. 79, VIII of 1876 823
on receipt of papers and report Collector to publish notification that he will proceed to take up the case, s. 80, VIII of 1876 823
powers of Collector with regard to partition made by Deputy Collector, s. 81, VIII of 1876 823
proprietor when not entitled to make subsequent objection, s. 82, VIII of 1876 824
Collector may cause fresh partition paper and map to be prepared, s. 83, VIII of 1876 824
procedure when Collector approves of a partition, s. 84, VIII of 1876 ... 824
procedure when Collector approves of a partition with amendments, s. 85, VIII of 1876 824
partition papers to be forwarded to Commissioner, s. 86, VIII of 1876 825
each separate estate to be as compact as possible, s 87, VIII of 1876 ... 825
circumstances to be considered in making partition, s. 88, VIII of 1876 ... 825
rule when dwelling-house belonging to one proprietor is situated on ground to be allotted to another proprietor, s. 89, VIII of 1876 826
rule as to gardens, orchards, land planted with bamboos, etc., s. 90, VIII of 1876 826
rental of dwelling-house, etc., s. 91, VIII of 1876 826
proprietor of dwelling-house may redeem rent, s. 92, VIII of 1876 ... 826
Deputy Collector to certify amount payable in redemption of rent, s. 93, VIII of 1876 827
when amount payable in redemption of rent is to be paid to Deputy Collector, s. 94, VIII of 1876 ... 827
notice of payment to be given and land to be held rent-free, s. 95, VIII of 1876 827
Collector to register land as a rent-free tenure, s. 96, VIII of 1876 ... 827
drawing of lots, ss. 97, 98, VIII of 1876 ... ... 827, 828

PARTITION—(*contd.*)
Deputy Collector may require proprietor to attend or appoint agent for the purpose of drawing lots, s. 99, VIII of 1876 829
in default of proprietors, Deputy Collector may appoint a person to draw lots, s. 100, VIII of 1876 ... 829
joint petition for partition according to private division, s. 101, VIII of 1876 829
partition according to private division to be referred to Collector, s. 102, VIII of 1876 830
when Deputy Collector may refuse to make such partition, s. 104, VIII of 1876 830
joint petition for partition in accordance with private arrangement with proportional redistribution of land revenue, s. 105, VIII of 1876 ... 830
lands of which each proprietor is in possession to be allotted to him, s. 106, VIII of 1876 831
sir, khamar, and nij-jote lands, s. 106, VIII of 1876 831
places of worship, burning grounds, etc., s. 108, VIII of 1876 ... 831
tanks, wells, water-courses, embankments, s. 109, VIII of 1876 ... 831
lands held rent-free not to be divided, s. 110, VIII of 1876 832
permanent intermediate tenures, s. 111, VIII of 1876 832
lands held in common between the proprietors of two or more estates how to be dealt with, s. 112, VIII of 1876 832, 833
expenses of division of such lands, s. 112, VIII of 1876 833
proprietors of other estates who have vexatiously delayed, etc., progress of partition may be required to pay a portion of expenses, s. 113, VIII of 1876 833
Collector to sanction allotment of lands held in common, s. 114, VIII of 1876 833
procedure when dispute exists as to whether any lands form part of the parent estate, s. 116, VIII of 1876 834
procedure when partition completed and proprietor dispossessed of estate by order of a competent court, s. 117, VIII of 1876 834
Commissioner may confirm partition, if no appeal or objection is presented, s. 118, VIII of 1876 ... 835
Commissioner to fix a day for hearing the case, s. 119, VIII of 1876 ... 835
procedure by Commissioner on day of hearing, s. 120, VIII of 1876 ... 835
procedure if partition is returned to Collector for amendment, s. 120, VIII of 1876 835
procedure on receipt of final order of Board of Revenue, ss. 122, 125, VIII of 1876 ... ... 835, 836
Collector may direct the construction of boundary marks, s. 126, VIII of 1876 837
boundary marks to be assigned to zemindars and tenure-holders for preservation, s. 126, VIII of 1876 ... 837
certain provisions of the Bengal Survey Act to apply to such boundary marks, s. 126, VIII of 1876 ... 837
any point arising in partition may be referred to arbitration, s. 127, VIII of 1876 837
tenure created by proprietor of estate held in common tenancy to hold good, s. 128, VIII of 1876 .. 837
two estates may be united, s. 129, VIII of 1876 838
application for union of two estates, s. 130, VIII of 1876 838
sale of separate estate for arrears of revenue within 12 years from confirmation of partition to be enquired into, s. 131, VIII of 1876 ... 838
in certain cases Lieutenant-Governor may order new allotment of revenue within 12 years from confirmation of partition, s. 132, VIII of 1876 838
under-assessed estates to make refund to over-assessed estates, s. 133, VIII of 1876 838
publication of notifications, s. 134, VIII of 1876 839
service of notices, s. 135, VIII of 1876 839
proceedings not to be affected by mistake, &c., s. 136, VIII of 1876 ... 839
penalty for non-compliance with notice or requisition, s. 137, VIII of 1876 840
fee, &c., to be deemed a demand under Bengal Act VII of 1868, s. 138, VIII of 1876 840
power of Collector and Deputy Collector to enforce attendance of witnesses, &c., s. 139, VIII of 1876 ... 840
powers of Deputy Collector may be exercised by Collector, s. 140, VIII of 1876 840
Lieutenant-Governor may vest Collector or Deputy Collector with certain powers, s. 141, VIII of 1876 ... 841
appeal to Collector, s. 142, VIII of 1876 841
appeal to Commissioner, s. 143, VIII of 1876 ... ... 841, 842
appeal to Board of Revenue, s. 144, VIII of 1876 ... ...842, 843
supervision and control of revenue authorities, s. 145, VIII of 1876 ... 843
when proceedings connected with giving possession may be set aside, s. 146, VIII of 1876 843
orders as to costs on appeal, s. 147, VIII of 1876 844
powers of officers exercising jurisdiction under the Act with regard to false evidence or forgery, s. 148, VIII of 1876 844
orders not liable to be set aside by suit, s. 149, VIII of 1876 ... 844
when suit may be brought to set aside order, s. 150, VIII of 1876 . 844

PARTITION—(*contd.*)
Board of Revenue to be guided by instructions of Lieutenant-Governor, s. 151, VIII of 1876 845
Board of Revenue may make rules, s. 152, VIII of 1876 845

PASS—
for recruiter of emigrants, s. 39, VII of 1873 439
for emigrant whose contract has been executed, s. 61, VII of 1873 ... 444
emigrants not to be embarked unless furnished with, s. 67, VII of 1873... 446
See EXCISE.

PASSENGER BOAT—
must be registered, s. 63, IV of 1866 105
duration of, and fee for registration, s. 63, IV of 1866 105
name of owner or manjee to be painted on registered boat, s. 63, IV of 1866. 105
penalty for plying illegally, s. 63, IV of 1866 105
Commissioner of Police may refuse to register unsafe, s. 64, IV of 1866 ... 105
penalty for neglecting to report accident attended with loss of life, s. 65, IV of 1866... 105

PASTURAGE—
arrears of revenue or rent payable to Government from person holding interest in, deemed to be a demand, s. 1, VII of 1868 156

PATHWAY—
forming part of Government embankment or watercourse, to vest in Government, s. 34, VI of 1873 ... 391

PAVING—
of streets, s. 202, IV of 1876 ... 597

PAWNBROKER—
to give information to Police of stolen property, s. 33, II of 1866, *and* s. 53, IV of 1866 ... 78, 102, 103

PAYMENT INTO COURT—
after tender, in rent suit, s. 7, VI of 1862, *and* s. 48, VIII of 1869 ...11, 193
without previous tender, in rent suit, s. 8, VI of 1862, *and* s. 49, VIII of 1869 ... ...11, 193

PENALTY—
under Suburban Police Act—
on Police officer, for minor breach of discipline, s. 5, II of 1866 ... 71
on Police officer, for neglect or violation of duty, s. 6, II of 1866 ... 71
on Police officer resigning without leave or notice, s. 7, II of 1866 ... 71
on Police officer, for not delivering up certificate, clothing, &c., s. 9, II of 1866 72
proceeds of certain fines to be applied in aid of Police Fund, s. 10, II of 1866 72
on special Police officer neglecting to serve, s. 14, II of 1866 ... 73
on reputed thieves, &c., s. 16, II of 1866 74
for failure to discontinue use of brothel or disorderly house, s. 17, II of 1866 74
for keeping hotel, tavern, &c., without a license, s. 18, II of 1866 ... 74
on tavern-keeper, &c., for keeping of signboard or notice after expiry of license, s. 21, II of 1866 ... 75
for breach of conditions of license granted to tavern-keeper, etc., s. 23, II of 1866 76
for owning, keeping, &c., common gaming-house, s. 25, II of 1866 ... 76
for being found playing in a common gaming-house, s. 26, II of 1866 ...76, 77
for manufacture of gunpowder, and possession of the same without license, s. 34, II of 1866... ... 79
for breach of conditions of license for sale and deposit of gunpowder, s. 35, II of 1866 79
for conveying gunpowder without license, s. 36, II of 1866 ... 79
for disobeying orders of Commissioner of Police with regard to conduct of assemblies, etc., s. 39, II of 1866 ... 80
for driving elephant or camel without license, s. 40, II of 1866 ... 80
for driving vehicle without sufficient light, s. 40, II of 1866 80
for driving vehicle otherwise than on left side of the road, s. 40, II of 1866 81
exposing for show horses, etc., in places not allowed by the Commissioner of Police, s. 40, II of 1866 ... 81
for causing mischief to cattle in driving them, s. 40, II of 1866 ... 81
for leaving cart, etc., without control, s. 40, II of 1866 81
for obstructing thoroughfare by cart, etc., s. 40, II of 1866 81
for obstructing footways, s. 40, II of 1866 81
for beating drums, tom-toms, etc., s. 40, II of 1866... 81
for lighting fires and discharging guns, fire-works, etc., s. 40, II of 1866 ... 81
for driving cart with insufficiently greased wheels, s. 40, II of 1866 ... 81
for putting up lamps without the consent of the Commissioner of Police, s. 40, II of 1866 82
for affixing bills or otherwise defacing houses, etc., s. 40, II of 1866 ... 82
for bathing, etc., in public street or aqueduct, s. 40, II of 1866 ... 82
for obstructing persons at bathing-places, s. 40, II of 1866 ... 82
for begging, s. 40, II of 1866 ... 82
for exposing person, etc., s. 40, II of 1866 82
for drunkenness in public, s. 41, II of 1866 82
recovery and appropriation of, s. 48, II of 1866... 84

PENALTY—(*contd.*)
under Calcutta Police Act—
on Police officer, for minor breach of discipline, s. 11, IV of 1866 ... 94
on Police officer, for neglect or violation of duty, s. 12, IV of 1866 ... 94
on Police officer resigning without leave or notice, s. 14, IV of 1866 ... 94
on Police officer, for not delivering up clothing, accoutrements, etc., on dismissal, s. 15, IV of 1866 ... 95
on special constable refusing or neglecting to serve, s. 20, IV of 1866 96
for wilful trespass on property, s. 29, IV of 1866 97
on reputed thieves, etc., s. 32, IV of 1866 97
for taking spirits into barracks, men-of-war, jails or hospitals, ss. 33, 34, IV of 1866 ... ...97, 98
for keeping hotel, etc., without license, s. 35, IV of 1866 98
for keeping up sign-board or notice after expiry of excise license, s. 38, IV of 1866 99
for breach of conditions included in license, s. 40, IV of 1866 ... 100
for harbouring or concealing deserter from merchant vessel, s. 42, IV of 1866 100
for discontinuing use of disorderly house, s. 43, IV of 1866 ... 100
for owning or keeping, etc., common gaming-house, s. 44, IV of 1866 100, 101
for being found playing in a common gaming-house, s. 45, IV of 1866 ... 101
on pawnbroker, etc., for neglecting to report stolen property, s. 53, IV of 1866 ... ... 102, 103
for taking pledge from child under the age of fourteen or buying article from any child, s. 54, IV of 1866 ... 103
for manufacturing gunpowder, or possessing gunpowder without license, s. 57, IV of 1866 103
for breach of conditions of license for sale and deposit of gunpowder, s. 58, IV of 1866 104
on unlicensed person carrying or conveying gunpowder, s. 59, IV of 1866 104
for disobeying orders of Commissioner of Police with reference to assemblies and processions or licenses for the use of music in the streets, s. 62, IV of 1866 105
for using non-registered boat, etc., s. 63, IV of 1866 105
for neglecting to report accident to a registered boat attended with loss of life, s. 65, IV of 1866 105, 106
for driving elephant or camel without permission from the Commissioner of Police, s. 66, IV of 1866 ... 106
for driving vehicle without sufficient light, s. 66, IV of 1866 ... 106
for driving vehicle otherwise than on left side of the road, s. 66, IV of 1866 106
for exposing for show horses, or cleaning conveyances, etc., in places not allowed by the Commissioner of Police, s. 66, IV of 1866 ... 106
for negligence or ill-usage in driving cattle, s. 66, IV of 1866 ... 106
for leaving cart, etc., without control, s. 66, IV of 1866 106
for obstructing road or thoroughfare by carriage, etc., s. 66, IV of 1866... 106
for obstructing foot-way, s. 66, IV of 1866 107
for beating drums, tom-toms, etc., s. 66, IV of 1866 107
for driving a cart with insufficiently greased wheels, s. 66, IV of 1866 ... 107
for lighting fires, etc., in places not allowed by the Commissioner of Police, s. 66, IV of 1866 ... 107
for putting up lamps without the consent of the Commissioner of Police, s. 66, IV of 1866 107
for affixing bills and defacing buildings, etc., s. 66, IV of 1866 ... 107
for bathing in public street or aqueduct, s. 66, IV of 1866 ... 107
for obstructing persons at bathing-places, s. 66, IV of 1866 ... 107
for drunkenness in public, s. 68, IV of 1866 108
for begging in public, s. 70, IV of 1866 108
for assaulting or forcibly resisting arrest by person injured, s. 75, IV of 1866 109

under Hackney Carriage and Palankeen Act—
for using carriage without giving notice of change of ownership, s. 9, V of 1866 118
on owner or driver neglecting to give notice of change of residence, s. 10, V of 1866... 118
on proprietor omitting to register carriage, s. 12, V of 1866 118, 119
for letting carriage without proper plate, s. 14, V of 1866 118
for neglecting to deliver lost plate to registering officer, s. 15, V of 1866 119
for using obliterated or defaced plate, s. 15, V of 1866 119
for not delivering up plate on expiration of registration, s. 16, V of 1866 120
for fraudulently using counterfeit plate, s. 17, V of 1866 120
on driver for not having license or lending license, s. 19, V of 1866 ... 120
on owner for suffering unlicensed person to act as driver, s. 20, V of 1866 121
on driver omitting to wear ticket, s. 22, V of 1866 121
for neglecting to deliver up ticket and for wearing obliterated or defaced ticket, s. 23, V of 1866... ... 122
on driver neglecting to deliver up ticket on expiration of license, s. 24, V of 1866 122
for using ticket which has ceased to be in force, s. 24, V of 1866 ... 122
for lending ticket or using another person's ticket, s. 24, V of 1866 ... 122

PENALTY—(*contd.*)
for fraudulently using or having counterfeit ticket, s. 25, V of 1866 ... 122
on driver failing to produce license, s. 26, V of 1866 123
on driver refusing to deliver up license and ticket to Magistrate when convicted of any offence, s. 27, V of 1866 123
on owner failing to keep table of fares in carriage, s. 29, V of 1866 ... 124
on driver for not driving his carriage at the rate required or refusing to drive to required place, s. 30, V of 1866 124
for refusing to let registered carriage for hire, s. 32, V of 1866 ... 125
on driver who is drunk during his employment or uses insulting language, etc., s. 33, V of 1866 125
on driver loitering elsewhere than at public stand, s. 33, V of 1866 ... 125
on driver suffering his carriage to stand across any street, s. 33, V of 1866 125
on driver wilfully obstructing driver of any other carriage, s. 33, V of 1866 125
on driver wrongfully preventing other driver from being hired, s. 33, V of 1866 125
on driver demanding more than his proper fare, s. 33, V of 1866 ... 125
on driver refusing to admit proper number of persons into his carriage, or carrying more than proper number, s. 33, V of 1866 125
on driver refusing to carry reasonable quantity of luggage, s 33, V of 1866 125
on driver deserting from his hiring, s. 33, V of 1866 126
on driver using carriage or horse unfit for public use, s. 33, V of 1866 ... 126
on driver absenting himself from his employment, s. 34, V of 1866 ... 126
on owner refusing to appear or to produce driver, on summons of Magistrate, s. 35, V of 1866 126
for refusing to pay, or evading payment of, legal fare, s. 36, V of 1866 ... ... 126, 127
for maliciously destroying or removing table of fares, s. 37, V of 1866... 127
for wilful injury to registered carriage, s. 38, V of 1866 ... 127
on owner of palankeen plying for hire without being registered, s. 45, V of 1866 128
owners and bearers of palankeens liable to penalties to which owners and drivers of carriages are liable, s. 49, V of 1866 130
on driver of carriage and bearer of palankeen neglecting to take left property to Police Station, s. 50, V of 1866 130
adjudication, recovery, and disposal of penalties, s. 51, V of 1866 130, 131

under Labor Districts Emigration Act—
for infringement of rules, s. 4, VII of 1873 431
for offence for which no special penalty is provided, s. 8, VII of 1873 ... 432
on garden-sirdar neglecting to report himself to Magistrate, s. 32, VII of 1873 437
on recruiter forwarding natives without registration, s. 49, VII of 1873 441
on recruiter failing to provide food and lodging for emigrant during journey, s. 51, VII of 1873 441, 442
on emigrant refusing to execute contract, s. 58, VII of 1873 ... 444
on master of vessel, for carrying emigrants without a license, s. 62, VII of 1873 445
for delay in despatching vessel, s. 63, VII of 1873 445
for receiving on board more passengers than number specified in license, s. 65, VII of 1873 445
for illegally taking emigrants on board, s. 67, VII of 1873 446
for admitting emigrants who are not in list, s. 68, VII of 1873 ... 446
penalty on master proceeding without proper provisions, medicines, etc., s. 69, VII of 1873 447
on master of vessel with 200 emigrants, proceeding without proper medical officer, s. 70, VII of 1873 ... 447
on master neglecting to stop at proper places and report to Magistrate, s. 72, VII of 1873 448
on master and officers refusing to give information required by Magistrate, s. 73, VII of 1873 448
for not complying with order of Magistrate as regulation of communication between vessel and land, s. 74, VII of 1873 448
on master of vessel or medical officer neglecting to obey or enforce rules, s. 90, VII of 1873 453
on emigrant for desertion, s. 92, VII of 1873 453
on employer omitting to send in return of laborers, s. 103, VII of 1873 456
for obstructing inspection of laborers, s. 105, VII of 1873 457
for compelling laborer to perform work for which he is unfit, s. 111, VII of 1873 458
for neglect to provide laborer with proper house accommodation, rice, etc., s. 116, VII of 1873 ... 459
for failure to provide hospital accommodation and medicines, s. 117, VII of 1873 459
on employer permitting laborer to reside on estate declared unfit, s 102, VII of 1873 461
to laborer absenting himself without sufficient cause, s. 121, VII of 1873 462
on laborer for desertion, s. 122, VII of 1873 ... ... 462, 463
for enticing away or harbouring laborer, s. 128, VII of 1873 ... 464

PENALTY—(*contd.*)
for not giving notice to inspector of complaint made by laborer, s. 129, VII of 1873 464
for obstructing service of summons on laborer, s 131, VII of 1873 ... 465
on employer detaining laborer after the completion of his contract, s. 136, VII of 1873 466

under Calcutta Municipal Act—
for breach of election rules, s. 17, IV of 1876 551
for taking or giving bribe at elections, s. 24, IV of 1876 553
on officer of Commissioners who is interested in contract made with them, s. 40, IV of 1876 ... 559
on officer of Commissioners taking bribes, s. 41, IV of 1876 559, 560
for keeping carriage or animal without license. s. 68, IV of 1876 ... 567
for refusing to pay composition in respect of carriages or animals, s. 70, IV of 1876 567
on livery stable-keeper for refusing to allow Commissioners to inspect books, s. 73, IV of 1876 ... 568
for hindering Commissioners from inspecting stable, etc., s. 73, IV of 1876 568
for exercising profession without license, s. 77, IV of 1876 ... 568
on occupier of house for not forwarding list of persons residing in his house, s. 81, IV of 1876 569
for keeping unregistered cart, s. 84, IV of 1876 570
on owner or occupier for refusing to make return of measurements and rent, s. 111, IV of 1876 ... 577
for hindering Commissioners from inspecting house or land, s. 111, IV of 1876 577
on occupier of house in which water is wasted, s. 141, IV of 1876 ... 584
for causing waste of water, s. 142, IV of 1876... 585
for using water outside the town without the permission of the Commissioners, s. 143, IV of 1876 ... 585
on licensed plumber infringing rules, s. 144, IV of 1876 585
on licensed plumber executing works badly, s. 148, IV of 1876 ... 586
for flashing or diverting water, s. 148, IV of 1876... 586
for neglecting to give information of birth or death, s. 175, IV of 1876 ... 592
for burying or burning corpse without certificate, s. 178, IV of 1876 ... 592
for failing to fill in census form or to act as enumerator, s. 186, IV of 1876 594
for depositing refuse in receptacles other than those provided by the Commissioners, s. 195, IV of 1876... 595
for depositing refuse on public quay, jetty, etc., except as allowed by the Commissioners, s. 196, IV of 1876... 596
for allowing sewerage to flow on streets, s. 197, IV of 1876 ... 596
for making obstructions in public streets, s. 199, IV of 1876 ... 596
for laying out street without approval of Commissioners, s. 201, IV of 1876 597
for defacing name of public street, s. 204, IV of 1876 598
for defacing number of house, s. 205, IV of 1876 598
for not putting up pipes for carrying water from roof of house, s. 207, IV of 1876 598
for making roof of inflammable materials, and not removing it after notice from Commissioners, s. 211, IV of 1876 600
for depositing materials or making hole in public street without the permission of the Commissioners, s. 213, IV of 1876 600
for altering or making drain without consent of Commissioners, s. 221, IV of 1876 602
for making or altering branch drain, etc., contrary to orders of Commissioners, s. 230, IV of 1876 ... 604
for throwing rubbish into sewers, s. 232, IV of 1876 605
for neglecting to remove latrine, etc., situated within 50 feet of public tank, s. 234, IV of 1876 ... 605
for neglecting to enclose private privy, s. 245, IV of 1876 608
on milkman; etc., keeping animals without license, s. 248, IV of 1876 609
on milkman, etc., breaking conditions of license, s. 249, IV of 1876 ... 609
for keeping unenclosed pigstye, s. 250, IV of 1876 609
for keeping pigs, sheep, and goats without the permission of the Commissioners, s. 251, IV of 1876 ... 609
for bathing in unauthorized place, s. 256, IV of 1876 611
on owner of land refusing to fill up tank, etc., s. 258, IV of 1876 ... 611
on owner of land neglecting to protect dangerous place, s. 263, IV of 1876 612
for building or repairing house without putting up sufficient hoards or fences, s. 273, IV of 1876 ... 615
for erecting scaffolding without license, s. 273, IV of 1876 615
for not keeping hoards or fences lighted during the night, s. 273, IV of 1876 615
for not removing hoards or fences when directed by the Commissioners, s. 273, IV of 1876 ... 615
for erecting huts improperly, s. 279, IV of 1876 616
for neglecting to remedy defects in market or slaughter-house, s. 290, IV of 1876 619
for using slaughter-house during suspension or after cancelment of license, s. 294, IV of 1876 ... 620

PENALTY—(*contd.*)
for carrying on dangerous or offensive trade without license, s. 299, IV of 1876 622
for carrying on dangerous or offensive trade in such a manner as to be a nuisance, s. 301, IV of 1876 . 622
for using unregistered burial or burning ground, s. 302, IV of 1876 ... 622
for burying or burning corpse on ground not registered, s. 304, IV of 1876 622
for burying corpse in vault, etc., opened without license, s. 306, IV of 1876 623
for burning corpse, burning ground opened without license, s. 306, IV of 1876 623
for burying or burning corpse in dangerous place, s 308, IV of 1876 .. 623
for permitting unregistered place to be used as a market, s. 319, IV of 1876 626
for causing obstruction in approaches to market, s. 321, IV of 1876 ... 627
for obstructing servants of Commissioners in the execution of their duty, s. 326, IV of 1876 ... 629
for removing mark set up for works, s 326, IV of 1876 629
for infringing bye-law, s. 345, IV of 1876 633
for failing to produce license when required by Commissioners, s. 362, IV of 1876 637
on occupier for preventing owner from executing works, s. 370, IV of 1876 639
under Bengal Municipal Act—
for keeping carriage or animal without license, s. 128, V of 1876 ... 686
for keeping unregistered cart, and for not numbering registered cart, s. 137, V of 1876 687
for refusing to leave municipal ferry when required to do so, s. 145, V of 1876 690
for keeping unauthorized ferry-boat within two miles of municipal ferry, s. 146, V of 1876 690
for refusing or evading payment of toll for vehicle or animal, s 153, V of 1876 691
for neglecting to hang up table of tolls, s. 157, V of 1876 ... 692
for taking unauthorized toll, s. 161, V of 1876 693
on mehter withdrawing from his duties without giving notice, s. 195, V of 1876 701
for placing rubbish on public road at improper times, s. 197, V of 1876 .. 701
on occupier, for not removing filth, s. 198, V of 1876 ... 702
for not keeping private drain, etc, in proper state, s 203, V of 1876 ... 702
for not clearing noxious vegetation, s 205, V of 1876 703
for bathing in unauthorized place, s. 210, V of 1876 704
for neglecting to cleanse private tank, s. 211, V of 1876 .. 704
for making excavation, or erecting obstruction on drain, etc, without permission, s 214, V of 1876 ... 704
for not removing obstruction on road, etc, ss. 215, 219, V of 1876 705, 706
for not trimming hedges and trees near road, s. 222, V of 1876 ... 707
for not protecting dangerous place, s 224, V of 1876 707
for not repairing or removing house in a ruinous state, s 227, V of 1876 707
for destroying or defacing name of road, s 232, V of 1876 ... 708
for throwing offensive matter, etc, on roads or into sewers, s. 236, V of 1876 711
for allowing offensive matter, etc., to run on road or into surface drain, s. 237, V of 1876 711
for not enclosing privy, s. 239, V of 1876 711
for making or altering drain without consent of municipal authorities, s. 241, V of 1876 711
for making or altering branch drain, etc., contrary to municipal regulations, s. 245, V of 1876 ... 712
for constructing latrine, etc, with a door opening on to a road or drain, s. 248, V of 1876 713
for making excavation, etc, without permission of municipal authorities, s. 250, V of 1876 713
for not putting up hoards to house under repairs, s. 255, V of 1876 ... 715
for putting up scaffolding, etc., without license, s. 255, V of 1876 ... 715
for erecting huts without notice, s. 261, V of 1876 716
for not draining or paving market or slaughter house, s 272, V of 1876 .. 718
for selling drugs in unregistered shop, s. 275, V of 1876 719
for burying or burning corpse in unregistered ground, s. 282, V of 1876 721
for carrying on dangerous or offensive trade without license, s. 286, V of 1876 722
for carrying on dangerous or offensive trade which has become a nuisance, s. 288, V of 1876 ... 722
on milkman, etc, keeping animals without license, s 290, V of 1876 723
on milkman, etc, breaking the conditions of his license, s. 293, V of 1876 723
for keeping pig stye, etc., without permission, s. 293, V of 1876 . 723
for keeping unlicensed market, s. 311, V of 1876 727
for breach of municipal bye-laws, s. 314, V of 1876 728
for breach of rules made by Commissioners of a Station, s. 357, V of 1876 738
levy of, s 366, V of 1876 ... 739
for not producing license when required, s. 370, V of 1876 740
for taking bribes, s. 377 V of 1876 ... 742

PENALTY—(*contd*)
under Excise Act—
for manufacture or sale of exciseable article without license, s. 53, VII of 1878 884
for unlicensed cultivation of plants producing intoxicating drugs, s. 54, VII of 1878 884
for constructing or working distillery or brewery without license, s. 55, VII of 1878 885
for contravention of rules made by Board of Revenue in respect of European distillery or brewery, s. 56, VII of 1878 885
for illegal removal of spirituous or fermented liquors from European distillery or from a brewery, s. 57, VII of 1878 885
for illegal removal of spirituous liquors from native distillery, s. 58, VII of 1878 885
for introducing spirituous liquors manufactured at another place into limits fixed for consumption of liquors manufactured at native distillery, s. 58, VII of 1878 ... 885
for not producing license on demand of excise officer, s. 59, VII of 1878 885
for breach of conditions of license, s. 59, VII of 1878 885
for contravention of rule made by Board in respect of native distillery, s. 59, VII of 1878 886
penalty for breach of conditions of license recoverable if breach is owing to carelessness of servant, s. 59, VII of 1878 886
on retail vendor selling by wholesale, s. 60, VII of 1878 886
on wholesale vendor selling by retail, s. 60, VII of 1878 886
for illegal possession of exciseable article, s. 61, VII of 1878... ... 886
for sale or transfer by cultivators of plant to unlicensed person, s. 63, VII of 1878 886
on cultivator failing to account for any quantity of plant in his possession, s. 63, VII of 1878 ... 886
for illegal possession of spirituous liquors manufactured in India beyond the limits of British India, s. 64, VII of 1878 887
on farmer, gomastah, etc., for conniving at unlicensed manufacture of exciseable articles, s. 65, VII of 1878 887
on chemist, etc., allowing certain liquors to be drunk on his business premises, s. 66, VII of 1878 ... 887
for drinking such liquors on chemist's business premises, s. 66, VII of 1878 887
on licensed vendor, for permitting drunkenness in his shop, s. 67, VII of 1878 887
on licensed vendor receiving wearing apparel, etc., in barter for exciseable article, s. 67, VII of 1878 ... 887
on police officer for not assisting excise officer, s. 68, VII of 1878 ... 887
on excise officer for vexatious search or seizure, s. 69, VII of 1878 ... 887
on excise officer for conniving at unlawful manufacture or sale of exciseable articles, s. 70, VII of 1878 ... 888
on officer conniving at establishment of unlicensed shop, s. 70, VII of 1878 888
on excise or police officer neglecting to report arrest, s. 71, VII of 1878 888
on excise or police officer delaying carrying person arrested or article seized before Magistrate or Collector, s. 71, VII of 1878 888
adjudication of, s. 72, VII of 1878 ... 888
for contempt of court, s. 73, VII of 1878 888
for second or subsequent conviction, s. 74, VII of 1878 888
General—
for hindering or refusing access to surveyors of steam vessels, s. 3, V of 1862 3
on owner or master of steam vessel leaving port without certificate and declaration, s. 5, V of 1862 ... 4
on surveyor of steam vessel demanding illegal remuneration, s. 9, V of 1862 4
for not hanging up certificate and declaration in steam vessel, s. 11, V of 1862 5
exemption from, when steam vessel is not in a port of survey on expiry of her certificate and declaration, s. 12, V of 1862 5
for non-delivery of certificate and declaration, s. 12, V of 1862 ... 5
for making false declaration on deposit of rent, s. 5, VI of 1862 ...
for refusing to pay zemindary dak charges, s. 9, VIII of 1862 ... 19
for neglecting to make furnace consume its smoke, s. 1, II of 1863 ... 21
for obstructing inspection of furnace, s. 3, II of 1863 22
recovery and disposal of, for offences, under Bengal Act II of 1863 ... 23
for breach of jail rules, s. 16, II of 1864 26
for taking articles into a jail or communicating with prisoners, s. 17, II of 1864 27
for infringement of rules under Canals' Act, s. 11, V of 1864 32
for causing obstruction to line of navigation, s. 16, V of 1864 ... 33
recovery of, under Canals' Act, s. 17, V of 1864 34
for using boiler or prime-mover without certificate, s. 8, VI of 1864 ... 37
recovery and disposal of, under Bengal Act VI of 1864 ... ...37, 38
for unlicensed manufacture of salt, s. 5, VII of 1864 42
for omission to give notice of unlicensed salt-work, s. 8, VII of 1864 43
for infringement of rules relating to salt, s. 11, VII of 1864 ... 44

PENALTY—(*contd.*)
for illegal possession or transport of salt, ss. 16, 17, 18, VII of 1864 ...44, 45
for omitting to certify sale, loss, or disposal of salt, s. 21, VII of 1864 ... 46
for vexatious seizure or arrest in connection with contraband salt, s. 33, VII of 1864 48
for second and subsequent convictions under Salt Act, s. 34, VII of 1864 48
enforcement of, under Salt Act, s. 35, VII of 1864 49
remission of, under Salt Act, s. 39, VII of 1864 49
for keeping inflammable oil in unlicensed building, s. 11. III of 1865 52
for carrying, without a license, more than 20 gallons of inflammable oil, s. 11, III of 1865 52
for breach of conditions of license, s. 11, III of 1865 52
recovery of, under Bengal Act III of 1865 54
for producing small-pox by inoculation, s. 1, IV of 1865 54
for entering certain places before forty days from date of inoculation, s. 2, IV of 1865 55
for using slaughter-house without license, s. 1, VII of 1865 ... 59
for neglecting to drain or clean slaughter-house, s. 3, VII of 1865 59
for exposing for sale meat, etc., unfit for food, s. 5, VII of 1865 ... 60
for using slaughter-house during suspension or revocation of license, s. 7, VII of 1865 60
recovery of, under Act for regulating slaughter-houses, s. 8, VII of 1865 60
for keeping private ferry within two miles of public ferry, s. 5, I of 1866 67
on witness summoned before Bengal Council failing to appear, etc., s. 3, III of 1866... 86
for owning or keeping or having charge of gaming-house, s. 3, II of 1867 ... 135
for being found in a gaming-house for the purposes of gaming, s. 4, II of 1867 135
on person arrested in gaming-house, refusing to give name and address, or giving false name or address, s. 7, II of 1867 136
for gambling in public, or for setting birds or animals to fight in public, s. 11, II of 1867 137
for subsequent offence under Gambling Act, s. 13, II of 1867 137
recovery and application of, under Gambling Act, s. 14, II of 1867 ... 138
recovery and disposal of, under Bengal Act III of 1867 141, 142
general provisions as to penalties under Bengal Acts, s. 4, V of 1867 146
for cruelty to animals, s. 2, I of 1869 166
for inciting to fight or baiting animals, s. 3, I of 1869 166
for permitting diseased animal to go at large or to die in public street, s. 4, I of 1869 166
for employing animal unfit for work, s 5, I of 1869 166
for unauthorized distraint and resistance to distraint, ss. 99, 101, VIII of 1869 206
for refusing to bring minor ward before Collector, s. 23, IV of 1870 ... 219
on manager or guardian under Court of Wards refusing to deliver accounts, s. 44, IV of 1870 224
on officer or servant of Port Commissioners being interested in contract or work made with, or executed for, the Commissioners, s. 20, V of 1870 244
on officer of Port Commissioners for accepting illegal gratification, s. 21, V of 1870 ... ... 244, 245
for disobeying orders of auditors of Port Commissioners' accounts, s. 53, V of 1870 252
for fixing erection below high water mark without consent of Lieutenant-Governor, s. 56, V of 1870 ... 253
on owner or master of ship for loading or unloading contrary to order of the Port Commissioners, s. 62, V of 1870 255
for loading or unloading at places other than the Port Commissioners' wharves, s. 63, V of 1870 ... 255
for disobeying orders of Port Commissioners as to inland vessels, s. 64, V of 1870 256
for infringement of bye-laws under Port Commissioners' Act, s. 85, V of 1870 264
for refusing to act on punchayet, s. 8, VI of 1870... 273
on village chowkeedar for wilful misconduct, s 38, VI of 1870 ... 278
application of, under Village Chowkeedaree Act, s. 42, VI of 1870 ... 279
on Pooree lodging-house keeper for not taking out license, s. 7, IV of 1871 291
on Pooree lodging-house keeper for breach of license, etc., s. 17, IV of 1871 293
for depositing dirt, etc., otherwise than as directed by Magistrate, s. 24, IV of 1871 294
for causing offensive liquid matter to run upon highway, s. 25, IV of 1871 295
on occupier of a house for not removing filth, s. 27, IV of 1871 ... 295
for keeping cattle-stall, etc., near public high way in a filthy state, s. 28, IV of 1871 295
for keeping public necessary without license, s. 29, IV of 1871 ... 295
for neglecting to clean drain or cesspool after warning from Health Officer, s. 30, IV of 1871 295
for misuse of public tank, s. 31, IV of 1871 296
for infringement of bye-laws under Pooree Lodging-house Act, s. 7, IV of 1871 298
application of, under Pooree Lodging-house Act, s. 22, IV of 1871 ... 294

PENALTY—(*contd.*)
for infringement of bye-law made by Lieutenant-Governor under Howrah Bridge Act, s. 7, IX of 1871 ... 315
for evading payment of Howrah bridge tolls, s 29, IX of 1871 ... 320
on holder of estate or tenure refusing to make return of lands, s. 6, X of 1871 328
levy of, under section 6 of Road Cess Act, s. 10, X of 1871 330
on officer of district road cess committee being interested in contract with committee, s. 65, X of 1871 ... 342
for refusing to answer question of census enumerator, s. 6, XI of 1871 ... 355
on census enumerator for misconduct, s. 7, XI of 1871 355
for not taking out license for jute warehouse, s. 11, II of 1872 ... 361
for establishing jute warehouse without license, s. 12, II of 1872 ... 361
for using jute warehouse after license has been refused or cancelled, s. 13, II of 1872 362
prospective set aside, s. 13, II of 1872 362
for letting off rockets or sending up fire-balloons in Calcutta and Suburbs, ss. 21, 24, II of 1872 364
for selling or manufacturing fire-works in Calcutta and Suburbs, s. 22, II of 1872 364
on insurance company, for not making return required by Jute Warehouse and Fire Brigade Act, s. 27, II of 1872 366
on secretary of insurance company, for not allowing inspection of books, s. 27, II of 1872 366
on chowkeedar, neglecting to report birth or death, s. 6, IV of 1873 ... 373
for refusing to give information as to birth or death, ss. 7, 8, IV of 1873 ... ... 373, 374
on registrar refusing to register birth or death, s. 9, IV of 1873 ... 374
for making false statement as to registration of birth or death, s. 10, IV of 1873 374
for obstructing persons exercising powers under Embankment Act, s. 52, VI of 1873 397
for unauthorized interference with embankments, s. 53, VI of 1873 ... 397
for cutting or destroying embankment, s. 54, VI of 1873 ... 397, 398
for making dam without due permission, s. 55, VI of 1873 ... 398
for refusing to remove dam, s. 55, VI of 1873 398
for cutting banks of embanked river, s. 55, VI of 1873 398
for removing earth from public embankment, s. 55, VI of 1873 ... 398
for permitting cattle to graze on embankment, s. 55, VI of 1873 ... 398
for rooting up grass on embankment, s. 55, VI of 1873 398
for breach of conditions of license for jute warehouse, ss. 8, 9, II of 1875 474
for omitting to give notice of change of occupation of a jute warehouse, s. 10, II of 1875 475
for failure to comply with requisition under Survey Act, s. 51, IV of 1875 498
for failure to give notice of injury to boundary mark, s. 52, IV of 1875 ... 498
for removing boundary mark, s. 53, IV of 1875... ... 498, 499
levy of, under Survey Act, s. 55, IV of 1875 499
for damaging, etc., canal, s. 93, III of 1876 538
for interfering, etc., with supply of water in canal or drainage-work, s. 93, III of 1876 538
for not preventing waste of water of a village-channel, s. 93, III of 1876 .. 538
for fouling water of canal, s. 93, III of 1876 539
for destroying, etc., level-mark or water-gauge, s. 93, III of 1876 ... 539
for destroying apparatus for controlling flow of water, s. 93, III of 1876 539
for causing animals or vehicles to pass across canal works contrary to rules, s. 93, III of 1876 ... 639
for permitting cattle to graze upon embankments, s. 93, III of 1876 ... 539
for violating rules under Irrigation Act, s. 93, III of 1876... ... 539
for cutting through flood embankment, s. 94, III of 1876 539
for opening or shutting sluice in flood embankment, s. 94, III of 1876 ... 539
for making dam or obstruction, s. 94, III of 1876 539
for failing to comply with requisition of Collector under Irrigation Act, s. 10, III of 1876 518
for failing to give notice of establishment of new village, s. 31, VII of 1876 775
for failing to furnish information required by Collector, s. 31, VII of 1876 775
for not applying for registration under Land Registration Act, s. 65, VII of 1876 785
not to be imposed on person who applies for registration after prescribed time of his own motion, s. 67, VII of 1876 785
for non-compliance with requisition under Partition Act, s. 137, VIII of 1876 840
for carrying on trade, etc., without a license, s. 21, I of 1878 ... 855
recovery of, under Bengal License Act, s. 29, I of 1878 857
for refusing to pay fee for cleansing of latrines, s. 10, VI of 1878 ... 867
for failing to furnish list of persons residing in a holding, s. 16, VI of 1878 868
on village policeman or road patrol who is guilty of wilful misconduct or neglect of duty, s. 33, VIII of 1878 901

PERCOLATION—
compensation not to be awarded for stoppage or diminution of, s. 11, III of 1876 519

PERGUNNAH POLE—
measurements to be made by, s. 11, VI of 1862, *and* s. 41, VIII of 1869 ... ... 13, 191

PERMANENT SETTLEMENT—
ryots holding lands at fixed rates from time of, to receive pottahs at those rates, s. 3, VIII of 1869 ... 181
dependent talookdar holding talook at fixed rent from time of, not liable to enhancement of rent, s. 16, VIII of 1869 184

PERSON—
tax on persons, see TAX ON PERSONS.
general definition of, in Bengal Acts, s. 1, V of 1867 145
execution against the, in rent suits, not to be issued simultaneously with execution against property, s. 57, VIII of 1869, *and* s. 17, VI of 1862 ... ... 14, 15, 195
definition of, in Jute Warehouse and Fire Brigade Act, s. 2, II of 1872... 358

PESHKAR—
appointment of, for making partition, s. 37, VIII of 1876 812

PETITION—
of objection under Bengal License Act, ss. 17, 18, 35, I of 1878 854, 858

PETROLEUM—
municipal license for storehouse for, s. 285. V of 1876 722
See INFLAMMABLE OIL.

PIER—
definition of, in Port Commissioners Act, s. 1, V of 1870 239
See WHARVES.

PIG-STYE—
not to be kept without permission of municipal authorities, s. 250, IV of 1876, *and* s. 292, V of 1876 609, 723

PIGS—
not more than 10 to be kept without permission of municipal authorities, s. 250, IV of 1876, *and* s. 292, V of 1876 ... ... 609, 723

PILGRIM HALTING PLACES—
on the road to Pooree, sanitary improvement of, s. 22, IV of 1871 ... 294

PILGRIMS—
Pooree Lodging-house Act may be extended to villages habitually traversed by, s 39, IV of 1871 ... 298

PILOT—
not to be assigned to steam vessel leaving port without surveyor's certificate and declaration, s. 5, III of 1862 4
may detain steam vessel leaving port without certificate and declaration, s. 5, V of 1862 4
penalty on, leaving port in steamer not furnished with certificate and declaration, s. 6, V of 1862 4

PLAINT—
form of, in rent suits, s. 42, VIII of 1869 191

PLAINTIFF—
damages may be awarded to, in rent suit, s. 1, VI of 1862, *and* s. 44, VIII of 1869 ... ... 9, 192
when to be charged with whole costs of rent suit, s 7, VI of 1862, *and* s. 48, VIII of 1869 ... ...11, 193
in suit under Calcutta Police Act, s. 99, IV of 1866... 112

PLATE—
on hackney carriage, see HACKNEY CARRIAGE, PENALTY.

PLEDGE—
taking from child, penalty for, s. 54, IV of 1866 103

PLOUGH CATTLE—
belonging to defaulter under Village Chowkeedaree Act, not liable to distraint and sale, s. 32, VI of 1870 ... 277
belonging to defaulter under Bengal Municipal Act, not liable to distraint and sale, s. 112, V of 1876 ... 682

PLUMBER—
municipal license for, s. 144, IV of 1876 585
penalty on, for infringing rules of license, s. 144, IV of 1876 ... 585
penalty on, for executing works for water-supply badly, s. 148, IV of 1876 586

POLICE—
in Suburbs of Calcutta—
operation of Bengal Act II of 1866 confined to certain limits, s. 1, II of 1866 70
suburbs may be excluded from the General Police District, s. 1, II of 1866 70
Police Force to be constituted for the suburbs, s. 2, II of 1866 ... 70
Police Force to be under the control of the Commissioner of Police for Calcutta, s. 3, II of 1866 ... 70
Commissioner of Police for Calcutta to frame regulations, s. 3, II of 1866... 70
Commissioner to appoint, suspend, and dismiss members of the Force, s. 4, II of 1866 71

POLICE—(*contd.*)
Commissioner may fine for lesser breaches of discipline, s. 5, II of 1866 71
penalty on member of Force for neglect or violation of duty, s. 6, II of 1866 . 71
member of Force not to resign without leave or notice under penalty, s. 7, II of 1866 71
member of Force to receive certificate on enrolment, s 8, II of 1866 ... 71
penalty on dismissed member of Force not delivering up certificate, clothing, &c., s. 9, II of 1866 ... 72
clothing, &c., of dismissed member of Force may be seized, s. 9, II of 1866 72
Superannuation Fund, s. 10, II of 1866 72
Police Officers not entitled as of right to allowance from Fund, s. 10, II of 1866 72
application of proceeds of fine to Police Funds, s. 11, II of 1866 ... 72
appointment and powers of Special Police Officers, ss. 12, 13, II of 1866 ... 73
penalty on Special Police Officer neglecting or refusing to serve, s. 14, II of 1866 73
appointment and powers of additional Police Officers, s. 15, II of 1866 ... 73
apprehension and punishment of reputed thieves, &c., s. 16, II of 1866 ...73, 74
brothels and disorderly houses, s. 17, II of 1866 74
penalty for keeping a hotel, tavern, &c., without a license, s. 18, II of 1866... 74
excise license not to be granted without certificate of Commissioner of Police, s. 19, II of 1866 75
duration and conditions of excise license to be fixed by Commissioner of Police, s. 20, II of 1866 ... 75
penalty for keeping up signboard or notice after expiry of license, s. 21, II of 1866 75
Commissioner of Police may grant licenses for places for which excise licenses are required, s. 22, II of 1866 75
penalty for breach of conditions of such license, s. 23, II of 1866 ... 76
fee for certificate or license granted by Commissioner of Police, s. 24, II of 1866 76
penalty for owning or keeping or being found playing in a common gaming-house, ss. 25, 26, II of 1866 ...76, 77
powers of entry into and search in common gaming-house, s. 27, II of 1866 77
evidence of house being common gaming-house, s. 28, II of 1866 ... 77
instruments of gaming may be destroyed, s. 29, II of 1866 ... ...77, 78
witnesses examined with reference to gaming indemnified, s. 30, II of 1866 78
portion of fine may be paid to informer about gaming-house, s. 31, II of 1866 78
information about stolen property, s. 33, II of 1866 79
penalty for manufacture of gunpowder or possession of gunpowder without license, s. 34, II of 1866 ... 79
Commissioner of Police may grant license for selling or keeping gunpowder, s. 35, II of 1866 ... 79
also for transit and carrying of gunpowder, s. 35, II of 1866 ... 79
Commissioner of Police may issue warrant to search for gunpowder, s. 38, II of 1866... 79
Government gunpowder exempted from operation of Bengal Act II of 1866 . 80
Commissioner of Police may make rules for conduct of assemblies and processions, s. 39, II of 1866 ... 80
offences in public streets, s. 40, II of 1866 ... ... 80, 81, 82
penalty for drunkenness in public, s. 41, II of 1866 82
Commissioner of Police may order dogs to be destroyed, s. 42, II of 1866 ... 82
when Police Officer may arrest without warrant on view of offence, s. 43, II of 1866 83
arrest by person injured, s 44, II of 1866 83
detention of persons at Station House, s. 45, II of 1866 83
power to take recognizance at Station House, s. 46, II of 1866 ... 83
condition of recognizance, s. 47, II of 1866 83
recovery and appropriation of fines, s. 48, II of 1866 84
powers of Deputy Commissioner of Police, s. 50, II of 1866 84

in Calcutta—
appointment and removal of Commissioner of Police, s. 4, IV of 1866 ...92, 93
appointment of Deputies to the Commissioner of Police, s. 5, IV of 1866 93
Commissioner of Police not to be ordinarily a Magistrate, s. 6, IV of 1866 93
Commissioner of Police to be a Justice of the Peace, s. 7, IV of 1866 ... 93
constitution of Police Force, s. 8, IV of 1866 93
Police Force to be under control of Commissioner of Police, who is to make rules for its government, s. 9, IV of 1866... 94
appointment of Police Officers to rest with Commissioner of Police, s. 10, IV of 1866... 94
Commissioner of Police may fine Police Officers for lesser breaches of discipline, s. 11, IV of 1666 ... 94
penalties on Police Officers for neglect or violation of duty, s. 12, IV of 1866 94
Police officers to receive certificate on enrolment, s. 13, IV of 1866 ... 94
Police officers not to resign without leave or notice, under penalty, s. 14, IV of 1866 94
penalty on Police officers for not delivering up certificate, clothing, etc., s. 15, IV of 1866 95

POLICE—(*contd.*)
formation of Police Superannuation Fund, s. 16, IV of 1866 ... 95
Police officer not entitled as of right to allowance from fund, s. 16, IV of 1866 95
proceeds of fines to be credited to Police Fund, s. 17, IV of 1866 ... 95
Commissioner of Police may appoint special constables, s. 18, IV of 1866 96
powers of Special Constables, s. 19, IV of 1866 96
penalty on Special Constable neglecting or refusing to serve, s. 20, IV of 1866 96
appointment and discontinuance of additional constables on the application of private individuals, s. 21, IV of 1866 96
execution of warrants by Police officers, s. 25, IV of 1866 ...96, 97
penalty for wilful trespass, s. 29, IV of 1866 97
arrest without warrant and punishment of reputed thieves, etc., s. 32, IV of 1866... 97
penalty for taking spirits into barracks, men-of-war, jails, hospitals, ss. 33, 34, IV of 1866 ... ...97, 98
penalty for keeping hotel, etc, without a license from the Commissioner of Police, s. 35, IV of 1866 ... 98
excise license not to be granted without certificate of Commissioner of Police, s. 36, IV of 1866 ... 98
Commissioner of Police may fix period and conditions of excise license, s. 37, IV of 1866 99
penalty for keeping up signboard or notice after expiry of license, s. 38, IV of 1866... 99
Commissioner of Police may grant licenses for places for which excise licenses are not required, s. 39, IV of 1866 99
penalty for breach of conditions of a license, s. 40, IV of 1866 99, 100
fee for certificate or license granted by Commissioner of Police, s. 41, IV of 1866 100
penalty for harbouring and concealing deserters from merchant vessels, s. 42, IV of 1866 100
Commissioner of Police or Magistrate may order discontinuance of use of disorderly houses, s. 43, IV of 1866 100
penalty for owning or keeping common gaming-house, s. 44, IV of 1866 ... ... 100, 101
penalty for being found playing in a common gaming-house, s. 45, IV of 1866 101
Commissioner of Police may grant a warrant to enter and search a common gaming-house, s. 46, IV of 1866 101
presumption as to house being used as a common gaming-house, s. 47, IV of 1866 ... ... 101, 102
instruments of gaming to be destroyed, s. 48, IV of 1866 102
proof of playing for stakes unnecessary, s. 49, IV of 1866 102
witnesses as to gaming indemnified, s. 50, IV of 1866 102
portion of fine may be paid to informer, s. 51, IV of 1866... ... 102
pawn-brokers and money-changers to report stolen property, s. 53, IV of 1866 ... ... 102, 103
penalty for taking pledge from child under the age of fourteen, s. 54, IV of 1866 103
Commissioner of Police to keep standard weights and measures in his office, s, 55, IV of 1866 ... 103
power to enter shops and seize false weights and measures, s. 56, IV of 1866 103
penalty for manufacturing gunpowder, or keeping it without license from Commissioner of Police, s. 57, IV of 1866 103
Commissioner of Police may grant license for sale or deposit of gunpowder, s. 58, IV of 1866 103, 104
Commissioner of Police may grant license for transit and carrying of gunpowder, s. 59, IV of 1866 ... 104
Commissioner of Police may issue warrant to search for gunpowder, s. 60, IV of 1866 104
Government gunpowder exempted from operation of Police Act, s. 61, IV of 1866 104
Commissioner of Police may make rules for conduct of assemblies, processions, etc., s. 62, IV of 1866 ... ... 104, 105
passenger-boats must be registered at Police office, s. 63, IV of 1866 ... 105
penalty for non-registration of passenger-boats, s. 63, IV of 1866 ... 105
Commissioner of Police may refuse to register, or cancel registration of unsafe boat, s. 64, IV of 1866 ... 105
penalty for neglecting to report accident to a registered boat attended with loss of life, s. 65, IV of 1866 ... ... 105, 106
penalty for certain offences in public streets, s. 66, IV of 1866 106, 107
penalty for drunkenness in public, s. 68, IV of 1866 108
penalty for begging, s. 70, IV of 1866 108
stray animals to be impounded and sold unless redeemed within twelve days, s. 71, IV of 1866 ... 108
Police officer may arrest without warrant, on view of offence, s. 72, IV of 1866... 108
apprehension of offenders by private individuals, s. 74, IV of 1866 ... 109
penalty for assaulting or forcibly resisting apprehension by private individual, s. 75, IV of 1866 ... 109
detention at Station house of persons taken into custody, s. 76, IV of 1866 109

POLICE—(*contd.*)
liberation on bail of person brought to Station-house, ss. 77, 78, IV of 1866 109
on suspicion of goods being stolen or unlawfully obtained, Commissioner of Police may grant search-warrant, s. 79, IV of 1866 110
power to search for stolen property without warrant, s. 81, IV of 1866... 111
seizure of property where possession creates a reasonable suspicion of the committal of an offence, s. 81, IV of 1866 111
if person do not appear pursuant to recognizance, Magistrate to certify non-appearance, s. 95, IV of 1866... 111
limitation of action and prosecution, and notice of action, s. 99, IV of 1866 111
plea, tender of amends, and costs, s. 99, IV of 1866 112
moveable property of under Rs. 200 in value of person dying intestate may be taken charge of by, s. 100, IV of 1866 112
Commissioner of Police may take security for due administration and distribution of such property, s. 101, IV of 1866... 112
Commissioner of Police may appoint periods for destruction of stray dogs, s. 102, IV of 1866 ... 112, 113
See MUNICIPAL POLICE.

POLICE BUDGET—
Commissioner of Police to transmit to Calcutta Corporation, s. 161, IV of 1876 589
form of, s. 162, IV of 1876 ... 589
to be laid before Corporation and forwarded to Government, s. 163, IV of 1876 589
Commissioner of Police may prepare supplemental budget, s. 164, IV of 1876 589

POLICE DISTRICTS—
Bengal may be divided into, s. 2, VII of 1869 174
Inspector-General may be appointed, s. 3, VII of 1869 174

POLICE ESTIMATE—
preparation and contents of, ss. 167, 168, V of 1876 695
to be translated and laid before municipal Commissioners, s. 169, V of 1876 695
to be transmitted to Magistrate and Commissioner, s. 170, V of 1876 ... 695
may be revised by Lieutenant Governor, s. 171, V of 1876 695

POLICE FORCE—
amendment of constitution of, in Bengal, VII of 1869 174
See POLICE.

POLICE MAGISTRATE—
of Calcutta may try cases under Bengal Act V of 1862 6
of Calcutta may try cases under Port Commissioners' Act, s. 79, V of 1870 263

POLICE OFFICER—
powers and duties of, under Suburban and Calcutta Police Acts, see POLICE.
powers and liabilities of, under Excise Act, see EXCISE, PENALTY.
definition of, in Salt Act, s. 3, VII of 1864 41
may inspect salt-work, s. 23, VII of 1864 46
may arrest persons carrying contraband salt, s. 24, VII of 1864 ... 46
powers of entry and search of, under Salt Act, s. 28, VII of 1864 ... 47
penalty on, for vexatious seizure or arrest under Salt Act, s. 33, VII of 1864 48
may seize inflammable oil with or without search warrant, s. 67, III of 1865 ... ...51, 52
may remove unregistered hackney carriage to Police Station, s. 11, V of 1866 119
may seize counterfeit plate of hackney carriage, s. 17, V of 1866 ... 120
may seize counterfeit driver's ticket, s. 25, V of 1866 122
hirer of hackney carriage may give driver into custody of, s. 39, V of 1866 127
may be authorized to enter and search common gaming-house, s. 5, II of 1867 ... ... 135, 136
may seize birds and animals which have been set to fight in public, and instruments of gaming, s. 11, II of 1867 137
may arrest without warrant person guilty of cruelty to animals, s. 1, III of 1869 172
authorized to aid fire-brigade, s. 17, II of 1872... 363
to give information to Port Commissioners of offences against Bengal Act V of 1870 and the Indian Ports Act 370
to seize and detain unregistered cart on application of municipal officers, s. 87, IV of 1876 571
to give information of offences against Calcutta Municipal Act, s. 373, IV of 1876 640
when may arrest persons committing offences against Calcutta Municipal Act, s. 640, IV of 1876 ... 640
horse or pony used by, not liable to municipal tax, s. 122, V of 1876 ... 684
to assist persons authorized to collect municipal tolls, s. 160, V of 1878 ... 693
when may arrest persons committing offence against Bengal Municipal Act, s. 376, V of 1876... ... 742

POLICE PORT-DUES—
powers to impose, if Port Fund is insufficient, s. 10, III of 1867 ... 141

POLICE PORT-DUES—*(contd.)*
owner of vessel may compound for, s 14, III of 1867 ... 141
Lieutenant-Governor may vary rate of, s. 15, III of 1867 ... 141

POLICE RATE—
not to exceed three per cent., s. 88, IV of 1876 ... 571
payable by occupier, s. 89, IV of 1876 571
at what dates payable, s. 89, IV of 1876 572
refund of, when house is vacant, s. 94, IV of 1876 ... 573
when may be imposed on owner, s. 100, IV of 1876 ... 574
paid by owner, may be recovered from occupier, s. 102, IV of 1876 ... 574

POLICE SUPERANNUATION FUND—
formation of, s. 10, II of 1866, *and* s. 16, IV of 1866 ... 72, 95
Police officer not entitled as of right to allowance from, s. 10, II of 1866, *and* s. 16, IV of 1866 ... 72, 95

PONY—
when exempt from Mofussil municipal tax, s. 122, V of 1876 ... 684

PORT—
definition of, in Bengal Act III of 1865, s. 1, III of 1865 ... 51

PORT CLEARANCE—
not to be granted until Port Commissioners' dues have been paid, s. 75, V of 1870 ... 261

PORT COMMISSIONERS—
powers and duties of under Howrah Bridge Act, see Howrah Bridge.
Lieutenant-Governor to appoint, s. 2, V of 1870 ... 240
term of office of, s. 3, V of 1870 ... 240
appointment in case of vacancy, s. 4, V of 1870 ... 240
to be a corporation, s. 5, V of 1870 ... 240
property of, to be held on certain trusts, s. 6, V of 1870 ... 240
debts of, to Secretary of State, s. 7, V of 1870 ... 241
repayment of debts due to Secretary of State, s. 8, V of 1870 ... 241
payment of interest on debts due to Secretary of State, s. 9, V of 1870 ... 241
power to repay debts before due date, but not of sum less than Rs. 10,000, s. 10, V of 1870 ... 241, 242
administration of trusts subject to powers of Lieutenant-Governor of Bengal, s. 11, V of 1870 ... 242
proceedings not to be invalidated by reason of vacancy in the number of Commissioners, or defect in the appointment of a Commissioner, s. 12, V of 1870 ... 242
grounds of disqualification, s. 13, V of 1870 ... 242
Commissioner not to vacate his office because he is a shareholder in a Company with which Commissioners enter into contract, s. 13, V of 1870 242
Lieutenant-Governor may remove Chairman, Vice-Chairman or Commissioner, s. 14, V of 1870 ... 243
Lieutenant-Governor may appoint a person to act for absent Commissioner, s. 15, V of 1870 ... 243
Lieutenant-Governor may determine salaries and fees of Chairman, Vice-Chairman and Commissioners, s. 16, V of 1870 ... 243
appointment of Committees, s. 17, V of 1870 ... 243
establishment to be sanctioned by Lieutenant-Governor, s. 18, V of 1870 ... 243, 244
Commissioners to make rules for appointment of establishment, s. 19, V of 1870 ... 244
penalty on servant accepting illegal gratification, s. 21, V of 1870 244, 245
leave of absence to Chairman and Vice-Chairman, s. 22, V of 1870 ... 245
powers of Acting Chairman or Vice-Chairman, s. 22, V of 1870 ... 245
salary of Chairman or Vice-Chairman on leave, s. 22, V of 1870 ... 245
expenditure not to be increased by leave allowance, s. 23, V of 1870 ... 245
meetings of the Commissioners, quorum, s. 24, V of 1870 ... 245
emergent meetings may be called on request of three members, s. 25, V of 1870 ... 246
Chairman or Vice-Chairman to preside at meetings, s. 26, V of 1870 246
adjournment of meetings, s. 26, V of 1870 246
minutes of proceedings to be kept and to be open to inspection without charge, s. 27, V of 1870 ... 246
majority of votes to prevail, and Chairman to have a casting vote, s. 28, V of 1870 ... 246
copies of minutes to be kept in Bengal office, s. 29, V of 1870 ... 216
Chairman to exercise all powers except those of Commissioners at a meeting, s. 30, V of 1870 ... 246
Commissioners may acquire and sell property, s. 31, V of 1870 ... 247
sale and lease of immoveable property exceeding ten years, to be sanctioned by Lieutenant-Governor, s. 31, V of 1870 ... 247
property which by Bengal Act IV of 1869 was vested in Secretary of State to be vested in Commissioners, s. 32, V of 1870 ... 247
Commissioners may not demise or farm power of levying tolls without the consent of the Commissioners, s. 33, V of 1870 ... 247
Commissioners may enter into contracts, s. 34, V of 1870 ... 247
contract involving sum over Rs. 50,000 must receive assent of Lieutenant-Governor, s. 34, V of 1870 ... 247

PORT COMMISSIONERS—(*contd.*)
new work, the cost of which exceeds Rs. 2,000, not to be commenced until plan and estimate have been approved by Commissioners, s. 35, V of 1870 ... ... 247, 248
if cost of new work exceeds Rs. 10,000, plan and estimate must be sanctioned by Lieutenant-Governor, s. 35, V of 1870 248
if cost of new work exceeds two lakhs, plan and estimate must be approved by Governor-General in Council, s. 35, V of 1870 248
Commissioners may compromise claim arising out of contract, s. 36, V of 1870 248
mode of executing contracts, s. 37, V of 1870 248
mode of acquisition of land, s. 38, V of 1870 248
enumeration of works which Commissioners may construct, s. 39, V of 1870 ... ... 248, 249
Commissioners may provide and charge for steam tugs, s. 40, V of 1870 249
Commissioners may raise money for works, s. 41, V of 1870 ... 249
money to be raised in accordance with Lieutenant-Governor's rules, s. 42, V of 1870 249
money raised on debentures to be a first charge on property and rates, s. 43, V of 1870 ... 250
application of moneys raised, s. 44, V of 1870 250
application of surplus income, s. 45, V of 1870 251
Commissioners may raise money at any time to pay any amount due under the Act, s. 46, V of 1870 ... 250
form and transfer of debenture, and right to sue in respect thereof, s. 47, V of 1870 250
estimate of income and expenditure, s. 48, V of 1870 251
Commissioners may pass or modify estimate, s. 49, V of 1870 ... 251
estimate to be approved by Lieutenant-Governor, s. 50, V of 1870 ... 251
Commissioners may make supplemental estimate, s. 51, V of 1870 ... 251
expenditure to be in pursuance of estimate, s. 52, V of 1870 251, 252
audit and examination of accounts, s. 53, V of 1870 252
notice of audit and examination of accounts to be advertised, s. 53, V of 1870 252
Commissioners to provide public landing-places, s. 54, V of 1870 ... 252
Commissioners to provide ghâts and bathing places, s. 55, V of 1870 ... 253
no wharf, quay, etc., to be made save by the Commissioners without consent of Lieutenant-Governor, s. 56, V of 1870 253
penalty for making any such thing, s. 56, V of 1870 253
Commissioners may remove wharf, dock, etc., without making compensation, s. 57, V of 1870 ... 253
wharves, etc., appointed under Customs' Act, s. 58, V of 1870 ... 253
dues for wharves in possession of Customs' officers, s. 59, V of 1870 ... 254
Commissioners to provide servants and apparatus for shipping and landing goods, s. 60, V of 1870 ... 254
special charge may be made for package weighing over thirty tons, s. 60, V of 1870... 254
Commissioners to give receipt when goods have been landed, s. 61, V of 1870 254
wharves, etc., to be declared ready for landing and shipping goods, s. 62, V of 1870 ... ... 254, 255
vessels may be compelled to load or unload at Commissioners' wharves, s. 62, V of 1870 255
penalty on owner or master in case of refusal, s. 62, V of 1870 ... 255
when sufficient accommodation is provided, all vessels may be directed to load or unload at Commissioners' wharves, s. 63, V of 1870 ... 255
penalty for contravention of order, s. 63, V of 1870 255
Lieutenant-Governor may exempt vessels from operation of order, s. 63, V of 1870 ... ... 256, 257
inland vessels to load and unload at certain places, s. 64, V of 1870 ... 256
penalty for contravention of order, s. 256, V of 1870 256
Commissioners to frame a scale of tolls, etc., s. 65, V of 1870 256, 257
approval and publication of scale of tolls, etc., s. 65, V of 1870 ... 257
Commissioners may impose additional tolls to meet deficit, s. 66, V of 1870 257
approval and publication of such tolls, s. 66, V of 1870 257
on failure of Commissioners, Lieutenant-Governor may impose tolls, s. 67, V of 1870 258
Commissioners to have a lien on goods for payment of tolls, s. 68, V of 1870 258
Commissioners may remove unclaimed goods to warehouses, s. 69, V of 1870 ... ... 258, 259
notice to be given to owner or consignee of goods on removal to warehouse, s. 69, V of 1870 ... 259
consignee or owner to pay warehousing charges, s. 69, V of 1870 ... 259
lien for freight preserved if notice of lien given, s. 70, V of 1870 ... 259
discharge of lien on payment or release, s. 71, V of 1870 259
if tolls not paid or lien for freight not discharged, goods may be sold, s. 72, V of 1870 260
publication of notice of sale, s. 72, V of 1870 260
notice also to be given to owner of goods by letter, s. 72, V of 1870 ... 260

PORT COMMISSIONERS—(*contd.*)
application of proceeds of sale, s. 73, V of 1870 260
on application of Commissioners, Collector of Customs to distrain vessel for non-payment of tolls, s. 74, V of 1870 261
sale in case of non-payment, s. 74, V of 1870 261
port clearance not to be granted till tolls paid, s. 75, V of 1870 ... 261
procedure if damage is negligently done to wharves by any vessel, s. 76, V of 1870 261
Magistrate may issue warrant for distress and sale of boats, etc., and rigging of vessel, s. 76, V of 1870 262
case not cognizable by Magistrate if vessel was under orders of pilot or officer of harbour master's department, s 76, V of 1870 262
penalty for depositing dust, dirt, etc., on wharves of Commissioners, s. 77, V of 1870 262
Lieutenant-Governor may define limits of port, s. 78, V of 1870 ... 262
charges in Calcutta to be heard by Police Magistrate, s. 79, V of 1870 263
charges out of Calcutta to be heard by any officer authorized to exercise powers of Magistrate, s. 80, V of 1870 263
regulations as to buoys and moorings, s. 81, V of 1870 263
Commissioners may make bye-laws, s. 82, V of 1870 263
approval and publication of bye-laws, s. 83, V of 1870 264
Lieutenant-Governor may revoke or annul bye-laws, s. 84, V of 1870 264
penalty for infringement of bye-laws, s. 85, V of 1870... 264
bye-laws and tables of tolls to be hung up at wharves, etc., s. 86, V of 1870 264
suit not to be brought until after three months from cause of action, s. 87, V of 1870 264
Lieutenant-Governor may order local survey and examination of works, s. 88, V of 1870 264
if works fall into disrepair, Lieutenant-Governor may cause them to be restored, s. 89, V of 1870 ... 265
if money due to the Secretary of State is unpaid, Lieutenant-Governor may appoint some person to receive Commissioner's income, s. 90, V of 1870 265
if works are not properly carried out, Government of Bengal may assume possession and management, s. 91, V of 1870 265
Commissioners' property and rights to vest in Secretary of State, s. 91, V of 1870 ... ... 265, 266
certain powers of Justices of the Peace for Calcutta to cease, s. 92, V of 1870 266
Lieutenant-Governor may confer on Commissioners powers of conservator of the port of Calcutta, ss. 95, 97, V of 1870 266
port dues may be made payable to Commissioners, ss. 96, 98, V of 1870 266
Commissioners may execute works within the port, s. 99, V of 1870 ... 267
charge to be included in debt to Government, s. 100, V of of 1870 ... 267
Commissioners may order vessels to remove from wharves, and may charge in respect of vessel not removed, s. 3, VII of 1871 ... 313
Commissioners not to be answerable for default of Conservator or Harbour Master, or for damage from defect in moorings or hawsers, s. 1, III of 1872 ... ... 368, 369
Commissioners may raise wreck and recover expenses, s. 3, III of 1872... 369
calculation of expenses and settlement of dispute, s. 3, III of 1872 ... 369
sale of property if unclaimed or if expenses unpaid, s. 4, III of 1872 .. 369
Police officers to give immediate information to Commissioners of offences against Bengal Act V of 1870 or Indian Ports Act, 1875, s. 6, III of 1872 370
lands, roads and slopes of Commissioners how to be rated for municipal purposes, s. 104, IV of 1876... 575

PORT DUES—
may be made payable to Port Commissioners, ss. 96, 98, V of 1870 266, 267

PORT FUND—
Lieutenant-Governor may charge Port Police upon, s. 8, III of 1867 ... 140
Lieutenant-Governor may charge a portion of expense of Municipal Police on, s. 9, III of 1867 ... 140
if insufficient, Police port dues may be imposed, s. 10, III of 1867 ... 141

PORT OF CALCUTTA—
definition of limits of, s. 78, V of 1870 262
survey of British steamers lying in, s. 7, V of 1862 4
extension of Bengal Act III of 1865 to, s. 2, III of 1865 51
See PORT COMMISSIONERS.

PORT OF SURVEY—
surveyors may survey steam vessels in, s. 3, V of 1862 3
penalty for leaving, without certificate of survey, s. 5, V of 1862 ... 4
Lieutenant-Governor may appoint, s. 2, I of 1868 148
additional survey fees may be levied in, s. 5, I of 1868 148

POTTAH—
Court when to fix term of, s. 9, VIII of 1869 182

POTTAH—(*contd.*)
person who grants is entitled to receive kabuliat, s. 10, VIII of 1869 ... 182
Court may grant, if person required by decree refuses, s 55, VIII of 1869... 195
See RENT, RYOT.

POUND—
stray animals to be confined in, s. 71, IV of 1866... 108

POWDER MAGAZINE—
belonging to Government, exempted from operation of Police Act, s. 38, II of 1866, *and* s. 61, IV of 1866 80, 104
See GUNPOWDER.

PREGNANCY—
of laborer, justifies temporary suspension of contract, s. 110, VII of 1873 458

PRESIDENCY JAIL—
powers of Government with regard to, s. 7, V of 1865 58
powers of superintendent of, s. 8, V 1865 58

PRESIDENCY MAGISTRATE—
person arrested or article seized in Calcutta under Excise Act, to be carried before, ss. 44, 45, VII of 1878 883
when to issue summons under Excise Act, s 49, VII of 1878 ... 883
excise offences in Calcutta to be adjudicated by, s. 72, VII of 1878 ... 888
may sentence to simple or rigorous imprisonment under Excise Act, s. 74, VII of 1878 889

PRIME-MOVER, see BOILER AND PRIME-MOVER.

PRINCIPAL—
Port Commissioners may repay to Secretary of State before due date, s. 10, V of 1871 241
proprietor may repay to Collector under Hooghly and Burdwan Drainage Act, s. 32, V of 1871 ... 308
advanced for Howrah bridge may be repaid to Secretary of State before due date, s. 17, IX of 1871 ... 318

PRISONERS—
treatment of, in jail, s. 7, II of 1864... 25
discharge and release of, from jail, ss. 10, 11, II of 1864 25
temporary shelter of, in case of overcrowding or disease in jail, s. 12, II of 1864 26
property of, received into jail, s. 13, II of 1864 26
classification of, s. 14, II of 1864 ... 26
male and female, to be kept apart, s. 14, II of 1864 26
rules for communication with, s. 16, II 1864 26
penalty for communicating with, s. 17, II of 1864 27
punishment of, for offences in jail, ss. 4, 5, 6, V of 1865 57
female, not to be confined in irons, s. 4, V of 1864 57
transfer of, from one jail to another, s. 7, V of 1865 58

PRIVY—
to be kept in proper order by owner, s. 228, IV of 1876 604
made contrary to municipal regulations, alteration of, s 229, IV of 1876 604
inspection of, by Calcutta municipal authorities, s. 231, IV of 1876 ... 604
penalty for unauthorized construction or alteration of, s. 230, IV of 1876 604
owner and occupier of land must enclose, s. 245, IV of 1876, *and* s. 238 V of 1876 ... ... 608, 711
inspection of, by Mofussil municipal authorities, s. 200, V 1876 ... 702
not to be constructed with trap-door opening on to drain, s. 247, V of 1876 713

PROCESSIONS—
Commissioner of Police may make rules for conduct of, s. 39, II of 1866, *and* s. 62, IV of 1866 ... 80, 104

PROCLAMATION—
under Road Cess Act, requiring return of lands, s. 5, X of 1871 327, 328
declaring rates of road cesses, s. 75, X of 1871 345
of works to be executed under Embankment Act, ss. 5, 11, 12, VI of 1873 ... ... 385, 386
as to compensation for land taken under Embankment Act, ss. 26, 27, VI of 1873 ... 389, 390
under Survey Act, requiring attendance of persons interested in lands, s. 5, IV of 1875 483

PRODUCE—
increase in value of, a ground for enhancement of rent, s. 18, VIII of 1869 184
decrease in value of, a ground for abatement of rent, s. 19, VIII of 1869 184

PROFESSION—
tax on, s. 75, IV of 1876 ... 568
license to exercise, s. 78, IV of 1876 568

PROFITS—
return of, under Road Cess Act, see ROAD CESS.
participation in, of work done or contract entered into by Port Commissioners, to disqualify Port Commissioner from office, s. 13, V of 1870 .. 212

PROJECTION, see OBSTRUCTION, ENCROACHMENT.

PROPERTY—
of prisoner received into jail, s. 13, II of 1864 26

PROPERTY—(*contd.*)
moveable, of person dying intestate, may be taken charge of and administered by Commissioner of Police, s. 100, V of 1866 112
left in hackney carriage or palankeen, disposal of, s. 50, V of 1866 ... 130

PROPRIETOR—
disqualified, see DISQUALIFIED PROPRIETOR.
of lands, definition of, in Hooghly and Burdwan Drainage Act, s. 2, V of 1871 302
assent of, to Hooghly and Burdwan drainage scheme, ss. 11, 12, 15, V of 1871 ... ... 303, 304
chargeable under Hooghly and Burdwan Drainage Act, may recover proportion of payment from subordinate tenants, s. 33, V of 1871 ... 308
summary determination of proprietorship under Hooghly and Burdwan Drainage Act, ss. 43, 44, V of 1871 310, 311
definition of, in Embankment Act, s. 3, VI of 1873 383
of estate or tenure, entitled to survey and measure lands, s. 8, VI of 1862 12
unable to measure lands, may petition Collector to measure, s. 10, VI of 1862 12
in Cuttack, Pooree, and Balasore, objecting to settlement, to give notice to Collector, s. 2, V of 1867 146, 147
in Cuttack, Pooree, and Balasore, failing to give notice, to be liable to pay revenue in accordance with terms of existing settlement, s. 4, V of 1867 147
definition of, in Bengal Act VII of 1868, s. 1, VII of 1868 ... 154
definition of, in Land Registration Act, s. 3, VII of 1876 764
to give notice of establishment of new village, s. 30, VII of 1876 ... 774
bound to furnish information to Collector for purposes of registration, s. 30, VII of 1876 774
bound to register under Land Registration Act, s. 38, VII of 1876 777, 778
definition of, in Partition Act, s. 4, VIII of 1876 801
of land conniving at unlawful manufacture or sale of exciseable articles, liable to penalty, s. 65, VII of 1878 887

PROSECUTION—
limitation of, under Calcutta Police Act, s. 99, IV of 1866... ... 111
for making false return under Road Cess Act, s. 14, X of 1871 ... 331
under Calcutta Municipal Act, institution of, ss. 347, 349, IV of 1876 ... 634
limitation and institution of, under Bengal Municipal Act, s. 317, V of 1876 728

PROVINCIAL PUBLIC WORKS—
cess for, s. 2, II of 1877 847
may be defined by Lieutenant-Governor, s. 10, II of 1877 848

PUBLIC ACCOUNTANT—
sum due from, deemed to be a demand recoverable as arrear of revenue, s. 1, VII of 1868 155
manager and guardian under Court of Wards held to be, s. 42, IV of 1870 223, 224

PUBLIC EMBANKMENT—
definition of, s. 3, VI of 1873 ... 383

PUBLIC FERRY—
to belong exclusively to Government, s. 2, I of 1866 66
private ferry not to be kept within two miles from, s. 2, I of 1866 ... 66
subsidiary ferry to be maintained in addition to, s. 3, I of 1866 ... 66
claims for compensation when ferry declared public, s. 4, I of 1866 ... 66
penalty for keeping private ferry within two miles of, s. 5, I of 1866 ... 67

PUBLIC HIGHWAY—
penalty for depositing dirt on, s. 24, IV of 1871 294
penalty for allowing offensive liquid matter to run on, s. 25, IV of 1871 295

PUBLIC NECESSARY—
Mofussil municipal authorities may license, s. 202, V of 1876 ... 702
Magistrate may license, and penalty for neglecting to clean, s. 29, IV of 1871 295

PUBLIC SERVANT—
enumerator for census deemed to be, s. 3, XI of 1871 355

PUBLIC WATER-COURSE—
definition of, in Embankment Act, s. 3, VI of 1873 383

PUBLIC WORKS CESS—
property liable to, s. 2, II of 1877 ... 847
valuations under Road Cess Act adopted, s. 3, II of 1877 847
Lieutenant-Governor to determine rate of, s. 4, II of 1877 847
rate not to exceed half an anna in the rupee of the annual value of the lands, s. 4, II of 1877 847
mode of payment of, s. 5, II of 1877 847
mine, quarry, tramway, railway, etc., liable to, s. 6, II of 1877 ... 848
houses liable to, s. 7, II of 1877 ... 848
application of proceeds of, s. 8, II of 1877 848
keeping of accounts, s. 8, II of 1877 848
Lieutenant-Governor may define provincial public works, s. 10, II of 1877 848
Lieutenant-Governor may make rules, s. 10, II of 1877 848

PUBLICATION—
of rules under Canals' Act, s. 12, V of 1864 32
of rules under Bengal Act III of 1865 52

PUBLICATION—(*contd.*)
of notice of sale of under-tenure, s. 4, VIII of 1865 62
of Port Commissioners' scale of tolls, s. 65, V of 1870 257
of proclamation to make return of lands under Road Cess Act, s. 5, X of 1871 ... 327, 328
of valuation rolls under Road Cess Act, ss. 17, 43, X of 1871... 332, 339
of proclamation declaring rates of road cesses, s. 75, X of 1871 ... 345
of annual report of work done under Road Cess Act, s 89, X of 1871 ... 347
of plan for lighting Howrah with gas, s. 2, V of 1873 375
of proclamation with reference to works under Embankment Act, ss. 6, 7, VI of 1873 385
of schedule of laborers' tasks, s. 106, VII of 1873 457
of proclamation under Survey Act, s. 5, IV of 1875... 483
of list of persons qualified to vote and be elected at Calcutta municipal election, s. 19, IV of 1876... ... 552
of Calcutta municipal bye-laws, s. 344, IV of 1876 633
of notice of assessment list of tax on persons, and valuation list of rate on holdings, s. 103, V of 1876 ... 680
of extension of Part VII of Chapter II of Bengal Municipal Act, s. 234, V of 1876 709
of bye-laws, etc., under Bengal Municipal Act, s. 365, V of 1876 ... 739
of date for registration of estates, etc., s. 41, VII of 1876 779
of notifications under Partition Act, s. 134, VIII of 1876 839
of list of licensees under Bengal License Act, s. 15, I of 1874 854

PUNCH-HOUSE—
penalty for keeping, without license, s. 18, II of 1866, *and* s. 35, IV of 1866 ... ...74, 98

PUNCHAYET—
in Unions, see UNIONS.
Magistrate may appoint in villages, s. s. 3, VI of 1870 272
appointment of, on application of villagers, s. 5, VI of 1870... ... 273
appointment in case of death or vacancy, s. 6, VI of 1870 273
qualification of member of, s. 7, VI of 1870 273
penalty for refusing to act as member of, s. 8, VI of 1870 273
exemption from serving on, s 9, VI of 1870 273
Magistrate may remove member of, s. 10, VI of 1870 273
to determine number of village chowkeedars, s. 11, VI of 1870 ... 274
to determine salaries of chowkeedars, s. 12, VI of 1870 274
to raise by assessment money for pay of chowkeedars, s. 13, VI of 1870... 274
to make assessment and list of persons assessed, s. 16, VI of 1870 ... 274
may revise or continue assessment of current years, s. 17, VI of 1870 ... 274
may amend assessment on application of person dissatisfied, s. 19, VI of 1870 275
to appoint one of their number to receive and collect rate, s. 22, VI of 1870 275
to prepare list of defaulters, s. 26, VI of 1870 276
to appoint and dismiss chowkeedars, s. 35, VI of 1870 277
to give chowkeedar certificate on appointment, s. 36, VI of 1870 ... 277
to exercise general control over chowkeedars, s. 41, VI of 1870 ... 279
Magistrate may realize chowkeedars' salary by distress and sale of property of members of, s. 45, VI of 1870 279
reimbursement of member by whom salary is paid, s. 46, VI of 1870 ... 280
to make assessment of chowkeedaree chakran lands, s 49, VI of 1870 ... 280
powers of, when may be exercised by Magistrate, s. 62, VI of 1870 ... 283
notice of action against, s. 63, VI of 1870 283
Commissioner to have general control over, s. 64, VI of 1870 283
Lieutenant-Governor may frame rules for guidance of, s. 65, VI of 1870... 283
when to make assessment within one month for residue of the year, s. 2, I of 1871 286
powers and duties of, in determining valuation of houses for road cess, ss. 41, 42, 43, X of 1871... 338, 339
may be required to furnish return under Bengal License Act, s. 27, I of 1878 856

PUNISHMENT—
of prisoners in jails, ss. 4, 5, 6, V of 1865 57
corporal, not to be inflicted on female prisoner or persons imprisoned in civil jail, s. 4, V of 1865 ... 57

PURCHASE-MONEY—
deposit of, by purchaser of under-tenure, s. 8, VIII of 1865 ... 62
deposit of, to be forfeited on non-payment of balance, s. 9, VIII of 1865 63
on payment in full, certificate to be given to purchaser of under-tenure, s. 11, VIII of 1865 63
return of, to purchaser of under-tenure, if sale set aside, s. 15, VIII of 1865 64

PURCHASER see AUCTION-PURCHASER.

PURDAH-NISHEEN—
definition of, s. 2, I of 1876 ... 502
may apply for registration of marriage or divorce through a vakil, s. 8, I of 1876 503

PURDAH-NISHEEN—(*contd.*)
may sign entry of marriage or divorce through a vakil, s. 11, I of 1876 ... 504

PUTNEE TALOOK—
sale of, to be conducted by Collector of land revenue, s. 3, VIII of 1865 ... 61

PUTNEE TENURE—
created by all the proprietors of an estate, partition of, s. 111, VIII of 1876 832
created by one proprietor, partition of, s. 128, VIII of 1876 837

PUTNEEDAR—
liability of, for zemindary dak charges 20

QUARRY—
liable to payment of road cess, s. 28, X of 1871 335
liable to payment of public works cess, s. 6, II of 1877 848

QUAYS—
may be made by Port Commissioners, s. 39, V of 1870 249
See WHARVES.

QUORUM—
of committee appointed by Port Commissioners, s. 17, V of 1870 ... 243
at meeting of Port Commissioners, s. 24, V of 1870 245
at meeting of Hooghly and Burdwan Drainage Commissioners, s. 6, V of 1871 302
at meeting of district road cess committee, s. 59, X of 1871 ... 341
at meeting of Calcutta Corporation, s. 49, IV of 1876 562
at meeting of Mofussil Municipal Commissioners, s. 44, V of 1876 665

RAILWAY—
liable to payment of road cess, except when belonging to Government, s. 28, X of 1871 335
engineer may call on manager to alter or construct water-course under, s. 19, VI of 1873 387
construction of, by municipal authorities, s. 330, IV of 1876 ... 629
lease of, by municipal authorities, s. 332, IV of 1876 630
liable to payment of public works cess, s. 6, II of 1877 848

RATE—
on holdings, see RATE ON HOLDINGS.
of road cess, see ROAD CESS.
for lighting Howrah with gas, see HOWRAH LIGHTING-RATE.
for village chowkeedars payable by quarterly instalments, s. 21, VI of 1870 275
punchayet to appoint one of their number to receive and collect, s. 22, VI of 1870 275
punchayet to publish list of defaulters, s. 26, VI of 1870 276
distraint and sale of defaulters' property for, s. 27, VI of 1870 ... 276
arrears of, not to be leviable after a year, s. 33, VI of 1870... ... 277
payable by employer of laborers, recovery of, ss. 95, 96, VII of 1873 ... 454
in first-class municipality for cleansing of latrines, s. 8, VI of 1878 ... 867
See HOUSE-RATE, WATER-RATE, POLICE-RATE, LIGHTING-RATE.

RATE ON HOLDINGS—
may be imposed in Mofussil municipalities, s. 77, V of 1876 ... 673
not to exceed 7½ per cent. on annual value, s. 77, V of 1876 ... 674
in Dacca not to exceed 10 per cent. on annual value, s. 77, V of 1876 ... 674
not to be imposed on holding of which annual value is less than Rs. 6, s. 77, V of 1876 674
determination of valuation, s. 88, V of 1876 676
duration of valuation, s. 89, V of 1876 677
not to be levied on place of worship, s. 90, V of 1876 677
returns of rent or annual value may be required from owners or occupiers, s. 91, V of 1876... ... 677
what to be deemed annual value of holding, s. 92, V of 1876 ... 677
fixing of percentage at which rate is to be levied, s. 93, V of 1876 ... 677
preparation of valuation and rating list, s. 94, V of 1876 678
rate payable in quarterly instalments by owner of the holding, s. 94, V of 1876 ... 678
consolidated rate on house and land when house belongs to one owner and land to another, s. 95, V of 1876 678
rate due from non-resident owner may be recovered from occupier who may deduct it from rent, s. 96, V of 1876 678
arrear which has been due from owner more than one year not to be recovered from occupier, s. 96, V of 1876 679
reduction of rate in cases of excessive hardship, s. 97, V of 1876 ... 679
application for reduction of valuation, s. 98, V of 1876 679
revision of valuation and rating list, s. 99, V of 1876 679
substitution of name of person to whom holding has been transferred, s. 100, V of 1876 679
remission or refund of rate, when holding is vacant, s. 101, V of 1876 679
instalment of, due on first day of the quarter, s. 109, V of 1876 ... 681

RECEIPT—
Collector to give, for deposit of rent by ryot, s. 5, VI of 1862, *and* s. 46, VIII of 1869 ... 10, 192

RECEIPT—(*contd.*)
for rent, damages for withholding, s. 11, VIII of 1869 182
for rent, form of, s. 11, VIII of 1869 183
for goods landed by Port Commissioners, s. 61, V of 1870 ... 254

RECEIVER—
of rent in kind, when not to pay trades' license tax, s. 4, I of 1878 ... 851
Collector may appoint, in case of disputed succession, etc., s. 56, VIII of 1876 783
payment of trades' license tax by, s. 26, I of 1878 856

RECOGNIZANCE, see BAIL

RECORD—
of tenures in Chota Nagpore, see CHOTA NAGPORE TENURES.
of punishments in jails, s. 18, II of 1864 27

RECORDED PROPRIETOR—
definition of, in Land Registration Act, s. 3, VII of 1876 764
definition of, in Partition Act, s. 4, VIII of 1876 801
See LAND REGISTRATION, PARTITION.

RECOVERY—
of expenses under Labor Districts' Emigration Act, see EXPENSES, EMIGRATION TO LABOR DISTRICTS.
of fees for survey of steam vessels, s. 15, V of 1862 6
of damages awarded in rent suit, s. 2, VI of 1862 9
of compensation awarded in rent suit, s. 3, VI of 1862, *and* s. 45, VIII of 1869 ... ... 10, 192
of zemindary dak charges, s. 9, VIII of 1862 19
of penalties under Bengal Act II of 1863 23
of fines under Canals' Act, s. 17, V of 1864 34
of penalties under Bengal Act VI of 1864, s. 11, VI of 1864 ... 37
of fines under Bengal Act III of 1865, s. 17, III of 1865 54
of fines under Suburban Police Act, s. 48, II of 1866 ... 84
of fines under Hackney Carriage and Palankeen Act, s. 51, V of 1866 130, 131
of penalties under Gambling Act, s. 14, II of 1867 138
of penalties under Bengal Act III of of 1867, s. 17, III of 1867 . 141
of sums payable to Government under Hooghly and Burdwan Drainage Act, ss. 30, 31, 39, V of 1871 307, 308, 310
of sums by proprietors from under-tenants under Hooghly and Burdwan Drainage Act, s. 33, V of 1871 308
of sums by under-tenants from their under-tenants under Hooghly and Burdwan Drainage Act, s. 34, V of 1871 309
of fines under section 6 of Road Cess Act, s. 10, X of 1871 ... 329
of expenses incurred by Collector in making valuation under Road Cess Act, ss. 11, 12 13, 32, 34. X of 1871 ... ... 330, 331, 336
of road cess on lands, mines, railways, etc., by Collector, ss. 23, 36, X of 1871 ... ... 333, 337
of road cess on houses by punchayets and assessors, s. 47, X of 1871 ... 340
of sums apportioned under Embankment Act, ss. 49, 50, 51, VI of 1873 ... ... 396, 397
of rate payable by employer of laborers, s. 96, VII of 1873 ... 454
of arrears of laborers' wages, s. 134, VII of 1873 466
of sums payable to zemindars or tenure-holders in respect of apportionment of expenses of boundary marks, s. 38, IV of of 1875 ... 494
of penalties under Survey Act, s. 55, IV of 1875 499
of damages, costs, and expenses under Calcutta Municipal Act, ss. 353—356, IV of 1876 ... 635, 636
of expenses on account of private property incurred by Calcutta Municipality, s. 372, IV of 1876 ... 648
of tax on persons and rate on holdings, ss. 111, 113, V of 1876 681, 682
of expenses incurred or fees chargeable by municipality under Parts VI or VII of the Bengal Municipal Act, s. 187, V of 1876 ... 699
of costs, etc., due under Bengal Municipal Act, s. 371, V of 1876 ... 740
of fees and penalties under Bengal License Act, s. 22, I of 1878 ... 855

RECRUITER—
definition of, s. 3, VII of 1873 ... 429
See EMIGRATION TO LABOR DISTRICTS.

REDEMPTION—
of rent for dwelling house allotted by partition, s. 92, VIII of 1876 ... 826
of contract of laborer, s. 137, VII of 1873 466
of land revenue under Partition Act, s. 11, VIII of 1876 804

REFUND—
of excise license fee, s. 29, VII of 1878 879
Police officer not entitled to, of deduction made from his pay, s. 10, II of of 1866, *and* s. 16, IV of 1866 72, 95
of water, police, and lighting rates, ss. 93, 94, IV of 1876... 572, 573
of rate on holding, s. 101, V of 1876 679
of tax on carriage, horse, etc., s. 132, V of 1876 686

REGISTER—
of Mahomedan marriages and divorces, see MAHOMEDAN MARRIAGES AND DIVORCES.
of births and deaths, see REGISTRATION OF BIRTHS AND DEATHS.

REGISTER—(*contd.*)
of Chota Nagpore tenures, ss. 5, 25, 26, II of 1869 ... 168, 172
of rent suits, s. 42, VIII of 1869 ... 191
of village-channels, s. 47, III of 1876 528

REGISTERING OFFICER—
of hackney carriages and palankeens, appointment and powers of, ss. 2, 43, V of 1866 116, 117, 128, 864
See HACKNEY CARRIAGE.

REGISTRAR—
of Mahomedan marriages and divorces, see MAHOMEDAN MARRIAGES AND DIVORCES.
of births and deaths, see REGISTRATION OF BIRTHS AND DEATHS.

REGISTRATION—
of hackney carriages and palankeens, see HACKNEY CARRIAGE, PALANKEEN.
of estates, see LAND REGISTRATION.
of births and deaths, see REGISTRATION OF BIRTHS AND DEATHS.
of Mahomedan marriages and divorces, see MAHOMEDAN MARRIAGES AND DIVORCES.
of certain tenures and farms, time for extended, s. 2, III of 1862 ... 1
auction-purchaser of under-tenure must apply to zemindar for, s. 17, VIII of 1865 65
of passenger-boats in the port of Calcutta, ss. 63, 64, IV of 1866 ... 105
auction-purchaser of under-tenure sold under Rent Act must apply to zemindar for, s. 67, VIII of 1869 ... 198
of emigrant engaged by garden-sirdar, s. 21, VII of 1873 435
of emigrant engaged by recruiter, s. 43, VII of 1873 440
of completion of contract by laborer, s. 136, VII of 1873 466
of voters for Calcutta municipal election, s. 18, IV of 1876 ... 551
of carts kept in Calcutta, the Suburbs, and Howrah, s. 83, IV of 1876 ... 569
of births and deaths in Calcutta, s. 169, IV of 1876... 590
of carts in Mofussil municipalities, s. 133, V of 1876 687

REGISTRATION OF BIRTHS AND DEATHS—
Lieutenant-Governor may direct registration within the limits of any area, s. 1, IV of 1873 371
places in which Act is in force, s. 1, IV of 1873 371
Magistrate may divide area into districts and may appoint registrars, s. 2, IV of 1873 372
Magistrate to publish list of registrars, s. 2, IV of 1873 372
every registrar to have an office in his district, s. 3, IV of 1873 ... 372
Magistrate to have register books prepared, s 4, IV of 1873 ... 372
registrar to inform himself of, and register births and deaths, s. 5, IV of 1873 ... ... 372, 373
chowkeedar to report every birth or death occurring within his beat, s. 6, IV of 1873 373
penalty on chowkeedar for neglect, s. 6, IV of 1873 373
persons bound to give information of birth, s. 7, IV of 1873... ... 373
penalty for neglecting to give information, s. 7, IV of 1873 373
persons bound to give information of death, s. 8, IV of 1873 ... 373
penalty for neglecting to give information, s. 9, IV of 1873 374
penalty on registrar neglecting to register or accepting fee for making registry, s. 9, IV of 1873 ... 374
penalty for making false statement, s. 10, IV of 1873 374
first-class municipality may arrange for registration within municipality, s 11, IV of 1873 374
Magistrate may delegate powers to Subordinate Magistrate, s. 12, IV of 1873 374
Calcutta Corporation to keep register of births and deaths, s. 169, IV of 1876 590
duties of registrar and sub-registrar, s. 170, IV of 1876 591
register books to be prepared, s. 171, IV of 1876 591
information of births and death, ss. 173, 174, IV of 1876 591, 592
person giving information to sign the register, s. 176, IV of 1876 ... 592
penalty for neglect to give information of birth or death, s. 175, IV of 1876 592
Mofussil municipalities may be required to provide for, s. 295, V of 1876 724
Sub-Registrar may be appointed in Mofussil municipality, s. 297, V of 1876 724
information required by Bengal Act IV of 1873 to be given to sub-registrar, s 297, V of 1876 ... 724
information of deaths in hospitals within municipality, s. 298. V of 1876 724

REGISTRY—
application for, of tenures and farms, under Act XI of 1859, s. 1, III of 1862 1
by purchaser of under-tenure, s. 17, VIII of 1865 65

REGULATION—
X of 1793, partial repeal of, s. 86, IV of 1870 233
XIX of 1793, partial repeal of, s. 2, VII of 1876 ... 763, 792
XXXVII of 1793, partial repeal of, s 2, VII of 1876 ... 763, 792
XLVIII of 1793, partial repeal of, s. 2, VII of 1876 ... 763, 792

REGULATION—(*contd.*)
L of 1793, partial repeal of, s. 86, IV 1870 233
LV of 1795, partial repeal of, s. 86, IV of 1870 233
LVIII of 1795, partial repeal of, s. 2, VII of 1876 ... 763, 792
III of 1796, partial repeal of section 2, s. 86, IV of 1870 233
XV of 1797, repeal of, s. 2, VII of 1876 ... ... 763, 792
VII of 1799, partial repeal of section 26, s. 86, IV of 1870 233
VIII of 1800, partial repeal of, s. 2, VII of 1876 ... 763, 792
XVIII of 1806, repealed, Schedule, V of 1864 34
XI of 1811, partial repeal of, s. 2, VIII of 1876 ... 709, 845
XIX of 1814, partial repeal of, s. 2, VIII of 1876 ... 799, 845
XX of 1817, local repeal of section 21, s. 2, VI of 1870, *and* s. 1, I of 1871 272, 286
II of 1819, section 30, amended, VII of 1862 17
VI of 1819, amendment of, I of 1866 66
VIII of 1819, provisions of section 13 to apply to sums paid to stay sale of under-tenure, s. 62, VIII of 1869 ... 196
provisions applicable to recovery by zemindars from tenure-holders under Embankment Act, s. 51, VI of 1873 397
sale of under-tenures defined in clause 1 of section 8, s. 3, VIII of 1865 ... 61
section 13 applicable to certain payment, s. 6, VIII of 1865 ... 62
VI of 1822, local repeal of, s. 86, IV of 1870 233
VII of 1822, powers of Collector under, to be exercised by commission on chowkeedaree chakran lands, s. 60, VI of 1870 282
powers of Collector under, in making valuation of lands for Road Cess Act, s. 15, X of 1871 331
enhancement of rent in settlement proceedings under, s. 2, III of 1878 863
sections 3 and 5 to apply to estates in Cuttack, Pooree, and Balasore managed by Collector, s. 3, X of 1867 147
period for bringing appeals under section 29 assimilated to period for other revenue appeals ... 151
VIII of 1824, repealed, Schedule, V of 1864 34
XI of 1825, island liable to be taken possession of under clause 3, section 4, to be assessed and settled, s. 3, IV of 1868 152
III of 1872, Bengal Acts in force in Sonthal Pergunnahs 27, 28, 42, 55

RELATIVE—
nearest male, to give information about death, s. 8, IV of 1873 ... 373

RELEASE—
of prisoner suffering from disease likely to cause death, s. 11, II of 1864 ... 25

RELINQUISHMENT—
of land by ryot, s. 20, VIII of 1869 ... 185

RENT—
damages may be awarded to plaintiff in suit for, s. 2, VI of 1862, *and* s. 44, VIII of 1869 ... . 9, 191
compensation may be awarded to defendant in suit for, s. 3, V of 1862, *and* s. 45, VIII of 1869... 10, 192
tender of, by ryot to zemindar, s. 4, VI of 1862, *and* s. 46, VIII of 1869 ... ... 10, 192
deposit of, by ryot in Collectors' Court, ss. 4, 5, 6, VI of 1862, *and* ss. 46, 47, 48, VIII of 1869 ... 10, 11, 192, 193
enhancement of, by purchaser of tenure at revenue sale, s. 13, VII of 1868 160
certain arrears of, deemed to be a demand, s. 1, VII of 1868 ... 156
of ryots holding land at fixed rates, s. 3, VIII of 1869 181
presumption in suit, if it is proved that rent has not been changed for twenty years, s. 4, VIII of 1869 ... 181
of ryot having right of occupancy, s. 5, VIII of 1869 181
of ryot without right of occupancy, s. 8, VIII of 1869 181
damages for exactions in excess of, s. 11, VIII of 1869 182
form of receipt for, s. 11, VIII of 1869 182
zemindar prohibited from compelling attendance of tenant for adjustment of, s. 12, VIII of 1869 ... 182
damages for extorting payment of, by duress, s. 13, VIII of 1869 ... 183
enhancement of, not to be made unless notice has been served on ryot, s. 14, VIII of 1869 183
mode of contesting enhancement of, s. 15, VIII of 1869 183
dependent talookdar, etc., holding land at fixed rent since Permanent Settlement, not liable to enhancement of, s. 16, VIII of 1869 184
presumption as to rent of talook or tenure held at rent which has not been changed for twenty years, s. 17, VIII of 1869 184
grounds for enhancement of, in case of ryot with right of occupancy, s 18, VIII of 1869 184
grounds for abatement of, in case of ryot with right of occupancy, s. 19, VIII of 1869 184
definition of arrears of, s. 21, VIII of 1869 185
ejectment of ryot for arrear of, s. 22, VIII of 1869 185
cancelment of lease for non-payment of arrear of, s. 23, VIII of 1869 ... 185
limitation of suits relating to, ss. 27—31, VIII of 1869 .. 186, 187, 180
jurisdiction in suits relating to, ss. 33, 34, 35, 36, VIII of 1869 188, 189
register of suits under Rent Act, s. 42, VIII of 1869 191

RENT—(*contd*)
form of plaint in suit for arrears of, s. 43, VIII of 1869 191
no warrant of arrest before judgment to be issued for arrears of rent due in respect of dependant talook or other transferable tenure, s. 50, VIII of 1869 194
suit for ejectment of ryot or cancelment of lease, s. 52, VIII of 1869... 194
cannot be recovered in respect of land not included in return under Road Cess Act, s. 7, X of 1871 ... 328
Collector may recover fines under section 6 of Road Cess Act out of, s. 10, X of 1871 330
Collector may recover road cess out of, s. 23, X of 1871 333
road cess for certain lands held without payment of, s. 26, X of 1871 ... 334
abatement of, on interruption of water-supply, s. 28, III of 1876 ... 523
enhancement of, on restoration of water-supply, s. 29, III of 1876 ... 523
may be paid for village channel instead of compensation, s. 57, III of 1876 531
for use of village-channel, ss. 68, 70, III of 1876 533
water-rate recoverable as, s. 83, III of 1876 536
rules for determining rate of, under Agrarian Disputes' Act, s. 15, VI of 1876 554
fixed under Agrarian Disputes' Act, not liable to enhancement or abatement for five years, s. 18, VI of 1876 756
fixed under Agrarian Disputes' Act may be enhanced or reduced on ground of diminution of land by diluvion, s. 18, VI of 1876 ... 756
no person bound to pay, to unregistered claimant, s 78, VII of 1876 ... 789
enhancement of, by settlement officers, s. 3, III of 1878 863
grounds of enhancement of, by settlement officer, to be specified in notice or *jummabundi*, s. 5, III of 1878 ... 863
See MEASUREMENT OF LAND, EXECUTION, DISTRAINT.

RENT-ROLL—
to be produced by applicant for partition, s. 19, VIII of 1876 ... 806
produced in partition proceedings, to be subscribed and verified, s. 52, VIII of 1876 816

RENTAL—
definition of, s. 7, VIII of 1876 ... 802

REPAIR—
of Hooghly and Burdwan drainage works, to be paid by proprietors, s. 39, V of 1871 310
of boundary marks, ss. 18, 20, IV of 1875 488

REPEAL—
of sections 26, 40, 74, 79, 86, 150, and 160 of Act X of 1859, s. 1, VI of 1862 9
of Regulations and Acts relating to navigable channels, s. 2, Schedule V of 1864 30
of Act regulating slaughter-houses in Suburbs of Calcutta, s. 9, VII of 1865 61
partial, of Act XXI of 1857, s. 52, II of 1866 85
of section 32 of Bengal Act II of 1866, s. 17, II of 1867 138
of section 52 of Bengal Act IV of 1866, s. 17, II of 1867 138
of Act, not to revive Act or Regulation before repealed, s. 2, V of 1867 ... 145
of section 2 of Act V of 1861, s. 1, VII of 1869 174
local, of Act X of 1859, and Bengal Acts VI of 1862 and IV of 1867, s. 107, VIII of 1869 ... 207, 209
of Regulations and Acts relating to Court of Wards, s. 86, IV of 1870 233
local, of section 21 of Regulation XX of 1817, s. 2, VI of 1870, *and* s. 1, I of 1871 ... 272, 286
of section 23 of Act XXII of 1855, s. 2, III of 1872 369
of section 49 of Bengal Act II of 1866, s. 1, I of 1874 472
of Bengal Acts VIII of 1867 and VI of 1869, s. 2, III of 1876 515, 541
of Acts relating to Calcutta Municipality, s. 2, IV of 1876 545, 648
of Acts relating to Mofussil Municipalities, s. 2, V of 1876 650, 750
of Regulations by Land Registration Act, s. 2, VII of 1876 ... 763, 792
of Regulations and Acts by Partition Act, s. 2, VIII of 1876 799, 845
of Acts by Excise Act, s. 3, VII of 1878 ... ... 873, 881

REPORT—
keeper of Pooree lodging-house to make, of birth, death, accident, or sickness, s. 13, IV of 1871 ... 292
of inspection of Pooree lodging-house, s. 15, IV of 1871 293
of Hooghly and Burdwan drainage works to be submitted to Commissioners, s. 19, V of 1871 ... 305
of apportionment of expenditure under Hooghly and Burdwan Drainage Act, ss. 23, 24, 25, V of 1871 ... 306
of work done under Road Cess Act, to be published annually, s. 89, X of 1871 347
of special committee of Calcutta Corporation on jute warehouses, s. 5, II of 1872 359
of chief officer of fire-brigade on origin and cause of fire, s. 18, II of 1872 363
to Lieutenant-Governor on working of Jute Warehouse and Fire Brigade Act, s. 31, II of 1872 367

REPORT—(*contd.*)
to Magistrate by medical officer, of health of emigrants on board vessel, s. 75, VII of 1873 449
to embarkation agent by Magistrate, on breach of rules on emigrants' vessel, s. 80, VII of 1873 ... 449
of medical officer on emigrants, contents of, s. 87, VII of 1873 ... 452
annual, to be made by inspector of laborers to Lieutenant-Governor, s. 104, VII of 1873 456
by medical officer on mortality on estate, s 119, VII of 1873 ... 461
annual, of proceedings, receipts, and expenditure of Mofussil municipalities, s. 72, V of 1876 ... 672
of Collector under Agrarian Disputes' Act, s. 8, VI of 1876 753

REPUTED THIEF—
arrest and punishment of, without warrant, s 16, II of 1866, *and* s. 32, IV of 1866 ... ...74, 97

RE-SALE —
of under-tenure, ss. 8, 9, 10, VIII of 1865 ... ...62, 63
loss on, of estate, deemed to be a demand, s. 1, VII of 1868 ... 156

RESIGNATION—
of Mofussil municipal commissioners, s. 20, V of 1876 660

REST-HOUSE—
may be vested in municipal commissioners, s. 34, V of 1876 ... 663

RETAIL—
sale by, defined, s. 15, VII of 1878 ... 876
See EXCISE.

RETIRING ALLOWANCE—
to Police officers, s. 10, II of 1866, *and* s. 16, IV of 1866 ... ...72, 95

RETURN—
of lands, etc., under Road Cess Act, see ROAD CESS.
of measurements or rent, owner or occupier may be required to furnish, s. 110, IV of 1876 577
half-yearly, to be made by employer of laborers, s. 100, VII of 1873 ... 455
of rent or annual value of holdings, may be required by Mofussil municipal authorities, s 91, V of 1876 ... 677
of sales under Bengal Municipal Act, s. 115, V of 1876 683

REVENUE—
definition of, in Bengal Act VII of 1868, s. 1, VII of 1868 ... 154
certain arrears of, deemed to be a demand, s. 1, VII of 1868 ...155, 156
sale of tenure for arrears of, ss. 11, 12, VII of 1868 159160
certificate to be made of arrears of, ss. 15, 16, VII of 1868 .. 160, 161

REVENUE-FREE PROPERTY—
definition of, in Land Registration Act, s. 3, VII of 1876 764

REVENUE SURVEY—
powers of Collector when disputed boundary has been laid down by, ss. 44, 45, IV of 1875 ... 495, 496

REVIEW OF JUDGMENT—
under Chota Nagpore Tenures Act, ss 15—18, II of 1869 170, 171
in rent suits, s. 103, VIII of 1869 ... 206

REVISION—
power of, by Commissioner and Board of Revenue in sales of under-tenures, s. 14, VIII of 1865 64

REVOCATION—
of certificate of survey and declaration for steam vessels, s. 13, V of 1862 5
of certificate for use of boilers and prime movers, s. 6, VI of 1864 ... 36
of license for slaughter-house, s. 6, VII of 1865 60

RICE—
employer bound to provide laborers with, s. 113, VII of 1873 ... 458

RIGHT OF OCCUPANCY—
what constitutes, s. 6, VIII of 1869 ... 181
See RYOT, RENT.

RIVERS—
to which Canal's Act has been extended, s 2, V of 1864 30
assessment of islands thrown up in large and navigable river, s. 3, IV of 1868 152
district committee to prepare statement of, under Road Cess Act, s. 66, X of 1871 343
See CANALS, IRRIGATION.

ROAD—
definition of, in Bengal Municipal Act, s. 6, V of 1876 655

ROAD CESS—
all immoveable property liable to, s. 4, X of 1871 327
on lands—
Collector to issue proclamation requiring return of lands, s. 5, X of 1871 327
publication of proclamation, s. 5, X of 1871 328
Collector to cause notice to be served for every estate, s. 6, X of 1871 ... 328
penalty on holder of estate or tenure refusing to make return, s. 6, X of 1871 328
Collector may extend time for lodging return, s 6, X of 1871 ... 328
rent not to be recoverable in respect of land not included in return, s. 7, X of 1871 328

ROAD CESS—(*contd.*)
valuation of small estates or tenures, s 8, X of 1871 328
value of land comprised in subordinate tenure, s 8, X of 1871 ... 329
but value may be fixed at amount entered in return lodged by holder of estate or tenure, s. 8, X of 1871 ... 329
or Collector may serve notice, s. 8, X of 1871... 329
return of waste lands or lands used for the cultivation of tea, coffee or cinchona, s. 9, X of 1871 ... 329
levy of fines, s. 10, X of 1871 329, 330
Collector may recover them out of rent, s. 10, X of 1871 330
Collector may make valuation of lands of which no return has been lodged, s. 11, X of 1871 330
if return is untrue, Collector may make valuation, s. 12, X of 1871 ... 330
expenses of valuation when to be paid by person who has lodged return, s. 12, X of 1871 330
Collector may serve notice on person mentioned in return as cultivating ryot, s. 13, X of 1871 331
if no return is made, Collector may ascertain value of lands, s. 13, X of 1871 331
Collector may prosecute maker of certain false returns, s. 14, X of 1871 331
powers of Collector in making valuation, s. 15, X of 1871 331
Collector to prepare valuation rolls, s. 16, X of 1871 331
Collector to furnish copy of portion of valuation rolls, s. 16, X of 1871 ... 331
publication of valuation rolls, s. 17, X of 1871 332
appeal to Commissioner against valuation, s. 18, X of 1871 332
orders of Collector for levy of fine or expenses appealable to Commissioner, s. 19, X of 1871 . 332
duration of valuation, s. 91, X of 1871 348
Collector may make new valuation after five years, s. 92, X of 1871 ... 348
rate of road cess on lands, s. 20, X of 1871 332
payment by zemindar, s. 21, X of 1871 332
payment by holder of tenure, s. 21, X of 1871 332
payment by cultivating ryot, s. 21, X of 1871 333
Collector to serve notice, shewing amount payable by holder of estate and date from which road cess takes effect, s. 22, X of 1871 ... 333
road cess payable by holder of estates at same time as Government revenue, s. 22, X of 1871 333
recovery of road cess in case of non-payment, s. 23, X of 1871 ... 333
Collector's claim to have priority, s. 23, X of 1871 333
time of payment by holder of tenure or cultivating ryot, s. 24, X of 1871 334
holder of estate or tenure may recover sums payable to him as arrears of rent, s. 25, X of 1871 334
shareholder may recover from co-sharers, s. 25, X of 1871 ... 334
payment and recovery of road cess in respect of certain lands for which no rent is paid, s. 26, X of 1871 ... 334
remuneration for collecting road cess for certain lands for which no rent is paid, s. 27, X of 1871 ... 334
on mines, railways, etc.—
rate on mine, quarry, tramway, railway, s 28, X of 1871 335
Government railways and tramways not liable to road cess, s. 28, X of 1871 335
Collector to serve notice requiring owner, etc., to make return of profit, s. 29, X of 1871 335
Collector may extend time for making return. s. 29, X of 1871 ... 335
service of notice when property lies in different districts, s. 30, X of 1871 336
form of return when property is partly in and partly out of Bengal, s. 31, X of 1871 336
if return is untrue, Collector may make valuation, s. 32, X of 1871 ... 336
Collector to serve notice of his valuation, s. 33, X of 1871 336
appeal to Commissioner against Collector's valuation, s. 33, X of 1871 336
Collector to make new valuation every year, s 93, X of 1871 348
determination of annual net profits by Collector, s. 34, X of 1871 ... 336
Collector may accept declaration of owner as to annual net profits for five years, s. 93, X of 1871 ... 348
apportionment of annual net profits to different districts, s. 35, X of 1871 337
notice of road cess and time of payment, s. 36, X of 1871... ... 337
deduction by occupier who has paid in excess, s. 36, X of 1871 .. 337
owner who has paid in excess may recover from occupier, s. 36, X of 1871 337
recovery in case of non-payment, s. 36, X of 1871 337
mode of payment when property lies in different districts, s. 37, X of 1871 337
on houses—
houses liable to road cess, s. 38, X of 1871 338
rate to be payable by occupiers, who may deduct one-half of payment from the next instalment of rent, s. 39, X of 1871 338
certain houses exempted, s. 40, X of 1871 338
valuation of houses to be determined by punchayets or assessors, s. 41, X of 1871 338
Collector to send notices to assessors and punchayets, s. 41, X of 1871 338

ROAD CESS—(*contd.*)
punchayet and assessor to deliver valuation roll to Collector, s 41, X of 1871 339
in default of punchayet and assessor, Collector may appoint some person to make valuation, s. 42, X of 1871 339
publication of valuation, s. 43, X of 1871 339
Collector may cause valuation to be tested by a superintendent, s. 44, X of 1871 339
superintendent may alter valuation, s. 44, X of 1871 339
appeal against altered valuation to Collector, s. 44, X of 1871 ... 339
levy of road cess where punchayets exist, s. 45, X of 1871... ... 339
levy of road cess where punchayets do not exist, s. 46, X of 1871 ... 339
mode of levy of road cess, s. 47, X of 1871 340
sums recovered to be transmitted to Collector, s. 48, X of 1871 ... 340
See ROAD CESS COMMITTEES, DISTRICT ROAD FUND.

ROAD CESS COMMITTEES—
District Committees—
constitution of committee, s. 49, X of 1871 340
removal and discharge of members, s. 50, X of 1871 340
appointment of *ex-officio* members, s. 51, X of 1871 340
number of salaried Government officers not to exceed one-third of Committee, s. 52, X of 1871... ... 340
Chairman and Vice-Chairman of Committee, s. 53, X of 1871 ... 341
Committee to have an office and meet once a quarter, s. 54, X of 1871 ... 341
who to preside at meetings, s. 55, X of 1871 341
special meeting, notice of meeting, and quorum, ss. 56, 57. 58, X of 1871 ... 341
adjourned meeting and voting, ss. 59, 60, X of 1871 341
minute-book of proceedings to be kept, s. 61, X of 1871 342
correspondence with local Government to pass through Commissioner, s. 62, X of 1871 342
election of a Vice-Chairman, s. 63, X of 1871 342
establishment and limitation of their salaries, s. 64, X of 1871 ... 342
penalty on officer or servant being interested in contract of committee, s. 65, X of 1871 342
but shareholder in company which contracts with committee may be an officer or servant on certain conditions, s. 65, X of 1871 342
statement of roads, bridges, rivers, etc., to be prepared and forwarded to Commissioner, ss. 66, 67, X of 1871 343
Vice-Chairman may prepare supplemental statement, s. 68, X of 1871 343
Collector to submit statement showing estimated proceeds of the several road cesses, s. 69, X of 1871 ... 343
committee to prepare annual estimate of income and expenditure, s. 70, X of 1871 343
mode of preparation of estimate, s. 70, X of 1871 ... ... 343, 344
Commissioner may revise estimate, s. 71, X of 1871 344
preparation of supplemental estimate, s. 73, X of 1871 344
committee to determine several rates of cess, s. 74, X of 1871 ... 344
proclamation and publication of rates of cesses, s. 75, X of 1871 ... 345
Branch Committees—
formation of branch committees and provisions which apply to them, s. 76, X of 1871 345
branch committee to be subordinate to district committee, s. 77, X of 1871 345
Lieutenant-Governor may assign funds to branch committee, s. 78, X of 1871 345
powers of branch committee, s. 79, X of 1871 346
estimate of income and expenditure, ss. 80, 81, X of 1871 346

ROAD PATROLS, see HAZARIBAGH AND LOHARDUGGA RURAL POLICE.

ROADWAY—
power to make temporary, s. 20, VI of 1873 387

ROCKETS—
license for letting off, s. 19, II of 1872 364
penalty for letting off without license, s. 21, II of 1872 364

ROOF—
of hut, not to be of inflammable materials. s. 211, IV of 1876, *and* s. 256, V of 1876 ... 599, 715

ROTATION—
of Mofussil municipal commissioners, ss. 24—27, V of 1876 ... 660, 661

ROWANNAH—
definition of, in Salt Act, s. 3, VII of 1864 41
for possession and transport of salt, ss. 13, 14, VII of 1864 44
seizure of salt not specified in, s. 16, VII of 1864 44
seizure of salt in excess of quantity specified in, s. 17, VII of 1864 ... 45
conveyance of salt otherwise than as specified in, s. 18, VII of 1864 ... 45
special, for bringing salt again within certain limits, s. 19, VII of 1864 ... 45
salt sold, lost, etc., to be certified on back of, ss. 20, 21, VII of 1864 ...45, 46
when to be delivered up, s. 22, VII of 1864 46

RUBBISH—
definition of, s. 6, V of 1876 ... 655
removal of by municipal authorities, s. 196, V of 1876 701

RULES—
for surveys of steam vessels, s. 8, V of 1862 4
for zemindary daks, s. 11, VIII of 1862 20
for management of jails, s. 7, II of 1864 25
for persons employed in jails, s. 16, II of 1864 26
relating to lines of navigation, s. 11, V of 1864 32
relating to steam boilers and prime-movers, s. 7, VI of 1864 ... 37
for manufacture, deposit, transport, etc., of salt, s. 11, VII of 1864 43, 44
for rowannahs for possession and transport of salt, s. 14, VII of 1864 ... 44
for entering a house in execution of a search-warrant under the Salt Act, s. 28, VII of 1864 47
punishment for breach of, in jail, s. 4, V of 1865 57
for Government of Police Force in Suburbs of Calcutta, s. 3, II of 1866 70
for Government of Police Force in Calcutta, s. 9, IV of 1866 ... 93
for examination of engineers, s. 8, I of 1868 149
for record of Chota Nagpore Tenures, s. 23, II of 1869 171
under Court of Wards' Act, s. 84, IV of 1870 233
Port Commissioners may make, for their establishment, s. 19, V of 1870 244
for guidance of punchayets, s. 65, VI of 1870 283
under Road Cess Act, s. 97, X of 1871 349
as to assistance which Collector may require towards taking a census, s. 5, XI of 1871 355
under Labor Districts Emigration Act, s. 4, VII of 1873 ... 430
made by Inspector-General of Registration for guidance of Mahomedan Registrars, ss. 18, 19, I of 1876 ... 506
made by Lieutenant-Governor for registration of Mahomedan marriages and divorces, s. 24, I of 1876 ... 507
under Irrigation Act must be subject to certain condition, s. 76, III of 1876 534
Lieutenant-Governor may make, under Irrigation Act, s. 99, III of 1876 ... 540
for Calcutta municipal elections, s. 17, IV of 1876 551
for pensions and gratuities to officers and servants of Calcutta Corporation, s. 39, IV of 1876 ... 559
for election of Mofussil municipal commissioners, s 16, V of 1876 ... 659
to be made by Commissioners of stations, s. 357, V of 1876 ... 737
may be laid down by Board of Revenue in respect of registration of revenue-free lands, s. 13, VII of 1876 768
to be made by Board of Revenue under Land Registration Act, ss. 88, 89, VII of 1876 791
may be made by Board of Revenue under Partition Act, s. 152, VIII of 1876 845
may be made by local Government under Bengal License Act, s. 39, I of 1878 859
may be made by Commissioners of first-class municipality, to define duties of nightmen, s. 13, VI of 1878 868
may be made by Board of Revenue for distilleries and breweries, ss. 8, 10, VII of 1878 875
for sale or disposal of confiscated exciseable articles, s. 76, VII of 1878 889

RURAL POLICE—
in Hazaribagh and Lohardugga, see HAZARIBAGH AND LOHARDUGGA RURAL POLICE.

RYOT—
payment of road cess by, see CULTIVATING RYOT.
tender of rent to zemindar by, s. 4, VI of 1862, *and* s. 46, VIII of 1869 10, 192
may deposit rent due in Collector's Court, s. 4, VI of 1862, *and* s. 46, VIII of 1869 ... 10, 192
must make a declaration when making deposit of rent with Collector, s. 5, VI of 1862, *and* s. 47, VIII of 1869 ... ... 10, 192, 193
when barred from contesting correctness of measurement of land, s. 9, VI of 1862, *and* s. 37, VIII of 1869 ... ... 12, 189
attendance of, at measurement of land, s. 9, VI of 1862, *and* s. 37, VIII of 1869 ... ... 12, 189
khoodkast cannot be ejected by purchaser of under-tenure, s. 16, VIII of 1865, *and* s. 66, VIII of 1869 ... ... 64, 197, 198
residing in mouzah other than that in which his land is situated, is a resident cultivator, VIII of 1865 ... 65
with right of occupancy cannot be ejected by purchaser of tenure at revenue sale, s. 14, VII of 1868 ... 160
entitled to a pottah, s. 2, VIII of 1869 181
holding lands at fixed rate entitled to a pottah at that rate, s. 3, VIII of 1869 181
with right of occupancy to receive pottah at fair and equitable rate, s. 5, VIII of 1869 181
when entitled to right of occupancy, s. 6, VIII of 1869 181
without right of occupancy entitled to what pottah, s. 8, VIII of 1869 181
without right of occupancy, term of pottah for, s. 9, VIII of 1869 ... 182
damages for exacting sum in excess of rent from, s 11, VIII of 1869 ... 182
cannot be compelled to attend for adjustment of rent, s. 12, VIII of 1869 182

RYOT—(*contd.*)
penalty for extorting payment of rent from by duress, s. 13, VIII of 1869 183
enhancement of rent of, s. 14, VIII of 1869 183
may contest his liability to pay enhanced rent, s. 15, VIII of 1869 ... 183
grounds of rent of ryot with right of occupancy, s. 18, VIII of 1869 ... 184
with right of occupancy may claim abatement of rent, s. 19, VIII of 1869 184
relinquishment of land by, s. 20, VII of 1869 185
may be ejected for arrear of rent due, s. 22, VIII of 1869 185
suit for ejectment of, s. 52, VIII of 1869 194
may sue or be sued with others under Agrarian Disputes Act, s. 16, VI of 1876 755
may bring a suit for abatement of rent during period for which rent has been fixed under Agrarian Disputes Act, s. 18, VI of 1876 ... 756
with right of occupancy when liable to enhancement of rent in settlement proceedings, s. 2, III of 1878 863
See RENT.

SAGO-MANUFACTORY—
to be registered at municipal office, s. 297, IV of 1876 621

SALARY—
of Commissioner of Police for Calcutta, s. 4, IV of 1866 93
of Police officer, fine may be deducted from, s. 6, II of 1866, *and* s. 12, IV of 1866 ... ...71, 94
of members of Police Force in districts of Bengal, s. 4, VII of 1869 ... 174
of manager of wards' estate, s. 39, IV of 1870 223
of guardian of ward. s. 58, IV of 1870 227
of Chairman and Vice-Chairman of Port Commissioners, ss. 16, 22, V of 1870 ... ... 243, 245
of officers and servants of Port Commissioners, ss. 18, 19, V of 1870 243, 244
of village chowkeedars, s. 12, VI of 1870 274
of village chowkeedars,' payment and realization of, ss. 43, 44, 45, VI of 1870 279
of officers of Hooghly and Burdwan Drainage Commissioners, ss. 37, 38, V of 1871 309
of officers of district road cess committee, s. 64, X of 1871 ... 342
of Chairman and Vice-Chairman of Calcutta Corporation, s. 34, IV of 1876 557
of officers and servants of Calcutta Corporation, ss. 35, 36. 38, IV of 1876 ... ... 558, 559
of officers and servants of Mofussil municipalities. s. 48, V of 1876 ... 666
of municipal police on deputation to be paid by local Government, s. 166, V of 1876 695
of Deputy Collector when to be deemed part of cost of partition, s. 43, VIII of 1876 814
trades license fee when may be deducted from, s. 16, I of 1878 ... 854
of village policemen and road patrols, ss. 5, 24, VIII of 1878... 895, 899

SALE—
of exciseable articles, see EXCISE.
of vessel for non-payment of toll, s. 9, V of 1864 31
of salt, to be certified on back of rowannah, s 20, VII of 1864 ... 45
of putnee talook and under-tenures, to be conducted by Collector, s. 3, VIII of 1865 61
of under-tenure, notice of, s. 4, VIII of 1865 62
of under-tenure, contents of notice, s. 5, VIII of 1865 62
of under-tenure, how may be stopped, s 6, VIII of 1865 62
of under-tenure, to be to the highest bidder, s. 7, VIII of 1865 ... 62
of under-tenure, proceeds how to be dealt with, s. 12, VIII of 1865 ... 63
of under-tenure, appeal and power of revision, ss. 13, 14, VIII of 1865 ...63, 64
of under-tenure, not invalidated by absence of shareholder's name, s. 7, VIII of 1865 62
of under-tenure, purchaser to receive back purchase-money if set aside, s. 15, VIII of 1865 64
of under-tenure, effect of, s. 16, VIII of 1865 ... ...64, 65
of provisions, liquors and refreshments in Calcutta and Suburbs, license for, ss. 18—21, II of 1866, *and* s. 35, IV of 1866 ... ... 74, 75, 98
of gunpowder without license, penalty for, s. 35, II of 1866 79
of unredeemed stray animal, by Commissioner of Police, s. 71, IV of 1866 108
of hackney carriage on non-payment of fine, s. 12, V of 1866 ... 119
of property left in hackney carriage or palankeen, if not claimed within a year, s. 50, V of 1866 130
under Act XI of 1859, time for appeal against, s. 2, VII of 1868 ... 157
annulment of revenue sales by Commissioner, s. 2, VII of 1868 . 157
time for revenue sales and their confirmation extended, ss. 3, 4, VII of 1868 157
of lakhiraj tenure to be valid, s. 9, VII of 1868 159
of tenure by Collector for arrear of revenue, s, 11, VII of 1868 ... 159
of tenure not to be made until after notification, s. 11, VII of 1868 ... 159
of tenure, legal effect of, s. 12, VII of 1868 ... ... 159, 160
of transferable under-tenure, in execution of decree for arrear of rent, notice of, ss. 60, 61, VIII of 1869... 196

SALE—(*contd.*)
of such under-tenure, not to be made while other execution is in force, s. 61, VIII of 1869 196
of such under-tenure, stay of, ss. 62, 63, VIII of 1869 196
of such under-tenure, in execution of decree in favor of shareholder in estate or tenure, s. 64, VIII of 1869 197
of crops under distraint, application for, ss. 78, 79, VIII of 1869 200, 201
of crops under distraint, proclamation of, s. 80, VIII of 1869 ... 201
of crops under distraint, suspension of, s. 81, VIII of 1869 201
of crops under distraint, place and mode of, ss 86, 87, 88, VIII of 1869 202
of crops under distraint, disposal of proceeds, s. 89, VIII of 1869 202, 203
of crops under distraint, officers holding, prohibited from purchasing, s. 90, VIII of 1869 203
of crops under distraint, irregularities to be reported to the Court, s. 91, VIII of 1869 203
of crops under distraint, second proclamation of, s 94, VIII of 1869 ... 204
for arrears of revenue, wards' estates when exempt from, ss. 2, 4, 5, 6, IV of 1870 ... ... 214, 215
of wards' property for payment of debts, s. 68, IV of 1870 ... 229
of wards' property the succession to which is in dispute, ss. 80, 81, IV of 1870 232
power of, of property by Port Commissioners, s. 31, V of 1870 ... 247
of cargo for non-payment of Port Commissioners' dues, ss. 72, 73, V of 1870 260
of vessel for non-payment of Port Commissioners' dues, s. 74, V of 1870 261
of furniture of vessel for damage done to property of Port Commissioners, s. 262, V of 1870 262
of defaulters' property under Village Chowkeedaree Act, ss. 28, 29, 32, VI of 1870 ... 276, 277
of property of punchayet for realization of chowkeedars' salaries, s. 45, VI of 1870 279
of chowkeedaree chakran lands for realization of arrears of assessment, ss 55, 56, VI of 1870 281
of fireworks without license, penalty for, s. 22, II of 1872 364
of wreck raised by Port Commissioners, s. 4, III of 1872 369
of moveable property of employer of laborers for realization of rate, s. 96, VII of 1873 454
of unregistered carts by Calcutta Corporation, s. 87, IV of 1876 ... 571
of moveable property seized under municipal warrant, s. 124, IV of 1876 580
municipal officers and servants prohibited from purchasing at, s. 124, IV of 1876 581
of moveable property of defaulter, for non-payment of Mofussil municipal taxes, ss. 112, 115, V of 1876 682, 683
of property of defaulter beyond the limits of the municipality, s. 118, V of 1876 683
under Bengal Municipal Act, not unlawful for want of form, s. 119, V of 1876 683
of unregistered cart, s. 138, V of 1876 688
of vehicle, animal, etc., for non-payment of municipal toll, s. 154, V of 1876 692
of materials of houses, etc., pulled down in Mofussil municipalities, s. 229, V of 1876 708
of property of defaulter under Hazaribagh and Lohardugga Rural Police Act, s. 18, VIII of 1878 ... 897
of abandoned embankment, s. 7, VII of 1866 906

SALT—
definition of, s. 3, VII of 1864 ... 41
unlicensed manufacture of, prohibited, s. 4, VII of 1864 42
penalty for unlicensed manufacture of, s. 5, VII of 1864 42
confiscation of materials used in manufacture of, s 6, VII of 1864 ... 43
Board of Revenue to grant licenses to manufacture, s. 7, VII of 1864 ... 43
duty on manufactured, s. 9, VII of 1864 43
warehouses for, s. 10, VII of 1864 ... 43
rules relating to, s. 11, VII of 1864 ... 43
possession and transport of, s. 12, VII of 1864 44
imported by sea, exempted from operation of Salt Act, s. 15, VII of 1864 44
seizure of contraband, s. 16, VII of 1864 44
penalty for illegal possession or transport of, s 16, VII of 1864 ... 44
seizure of, in excess of quantity specified in rowannah, s. 17, VII of 1864 45
penalty for possession or transport of, in excess of quantity specified in rowannah, s 17, VII of 1864 ... 45
not to be brought again within certain limits, s. 19, VII of 1864 ... 45
penalty for bringing within limits, s. 19, VII of 1864 45
sold, lost, or disposed of, to be certified on rowannah, s. 20, VII of 1864 ... 45
penalty for neglect to certify, s. 21, VII of 1864 46
when disposed of, rowannah to be delivered up, s. 22, VII of 1864 ... 46
arrest of persons carrying contraband, s. 23, VII of 1864 46
seized may be weighed, s. 25, VII of 1864 46
Magistrate may issue search-warrant for, s. 27, VII of 1864 47
powers of entry, arrest, and search, s. 28, VII of 1864 47
adjudication of confiscation of, ss. 29, 30, VII of 1864 48

SALT—(*contd.*)
adjudication of seizures in Calcutta, s. 31, VII of 1864 48
confiscated to vest in Her Majesty, s. 32, VII of 1864 48
penalty for vexatious seizure or arrest in connection with, s. 33, VII of 1864 48
penalty for second and subsequent conviction relating to, s. 34, VII of 1864 48
enforcement of penalties under Salt Act, s. 35, VII of 1864 ... 49
writ of certiorari not to affect proceedings under Salt Act, s. 38, VII of 1864 49
remission of penalties under Salt Act, s. 39, VII of 1864 49
disposal of fines under Salt Act, s. 40, VII of 1864 50
limitation of suits under Salt Act, s. 41, VII of 1864 50
powers of Magistrate and trial of offences under Salt Act, ss. 1, 2, I of 1873 371

SALT-WORK—
definition of, s. 3, VII of 1864 ... 42
definition of separate, s. 5, VII of 1864 42
proprietors to give notice of unlicensed, s. 8, VII of 1864 ... 43
inspection of, s. 23, VII of 1864 ... 46

SANITARY ARRANGEMENTS—
to be provided for laborer, s. 113, VII of 1873 458

SCALES—
may be erected by Port Commissioners, s. 39, V of 1870 249

SCHOOLS—
may be vested in Municipal Commissioners, s. 34, V of 1876 ... 663
municipal funds may be spent on, s. 61, V of 1876 669

SEA CUSTOMS ACT—
not affected by Excise Act, s. 85, VII of 1878 891

SEALS—
Collector to take possession of, when estate becomes subject to Court of Wards, s. 16, IV of 1870 ... 218

SEARCH WARRANT—
under Excise Act, s. 47, VII of 1878 883
issue of, under Salt Act, s. 27, VII of 1864 47
seizure of inflammable oil under, s. 6, III of 1865 51
issue of, for inflammable oil, s. 12, III of 1865 53
for common gaming-house, s. 27, II of 1866, *and* s. 46, IV of 1866 77, 101
for gunpowder, s. 37, II of 1866, *and* s. 60, IV of 1866 .. 79, 104
for suspected stolen property, s. 79, IV of 1866 111

SECOND-CLASS MUNICIPALITY—
what is, s. 3, V of 1876 651
continuance of taxes in, s. 7, V of 1876 656
number of Commissioners in, s. 15, V of 1876 659
execution of contract made on behalf of, s. 39, V of 1876 664

SECRETARY—
of Calcutta Corporation, appointment, removal, and salary of, ss. 32, 35, IV of 1876 ... 556, 558
appointment of, for Mofussil municipality, s. 48, V of 1876 ... 666

SECRETARY OF STATE—
payment of debts due to, by Port Commissioners, ss. 7, 8, 9, 10, 90, V of 1870 ... 241, 265
transfer of Port Commissioners' property and rights to, s. 91, V of 1870 265
repayment to, of sums advanced for Howrah Bridge, s. 15, IX of 1871... 317

SECURITY—
persons arrested under section 145 of Act X of 1859 may be required to give, s. 18, VI of 1862 ... 15
Commissioner of Police may take, for administration and distribution of property of intestate, s. 101, IV of 1866 113
stay of sale of under-tenure, on security being given for amount of decree, s 63, VIII of 1869 196
produce not liable to distraint if cultivator has given, s 68, VIII of 1869 198
distraint to be withdrawn if owner gives, s. 83, VIII of 1869 ... 201
to be given by manager of ward's estate, except when he is testamentary guardian, s. 38, IV of 1870 ... 223
to be given by guardian of ward, s. 59, IV of 1870 227
Board of Revenue may dispense with security of guardian, s. 59, IV of 1870 227
for payment of famine loans, recovery by landholders who have given, s. 2, IV of 1875 477
may be taken by Mofussil Municipal Commissioners from collector of taxes, s. 49, V of 1876... ... 666

SEPARATE ACCOUNT—
under Act XI of 1859, not to be opened except in accordance with registered interest, s. 69, VII of 1876 786
when proprietor may apply for, s. 70, VII of 1876 786
application to close, s. 72, VII of 1876 787

SEPARATE ESTATE—
definition of, s. 4, VIII of 1876 ... 801
See PARTITION.

SERAI—
municipal license for, s. 285, V of 1876 722

SERVICE—
certificate of, see CERTIFICATE.
of notice or receipt of deposit of rent, s. 5, VI of 1862 11
of notice under Bengal Act VII of 1868 or Act XI of 1859, s. 5, VII of 1868 157
of notice of enhancement of rent, s. 14, VIII of 1869 183
of notice of relinquishment of land by ryot, s. 20, VIII of 1869 ... 185
of notice under Pooree Lodging-house Act, s. 35, IV of 1871 297
of notice under Hooghly and Burdwan Drainage Act, s. 45, V of 1871 311
of notice under Road Cess Act, s. 95, X of 1871 349
of notice under Embankment Act, s. 57, VI of 1873 ... 398, 399
of notice under Survey Act, s. 48, IV of 1875 497
of notice under Part II of Irrigation Act, s. 32, III of 1876 524
of notice, etc., under Calcutta Municipal Act, s. 363, IV of 1876. ... 637
of notice on owner or occupier of land under Calcutta Municipal Act, s. 364, IV of 1876 638
of notice, etc., under Bengal Municipal Act, s. 367, V of 1876 ... 739
of notice on owner or occupier of land, under Bengal Municipal Act, s. 368, V of 1876 739
of notice on alleged transferor, under Land Registration Act, s. 50, VII of 1876 781
of notices under Partition Act, s. 135, VIII of 1876 839
of notice to attend and sign *jummabandi*, s. 4, III of 1878... ... 863
of notices under Hazaribagh and Lohardugga Rural Police Act, s 36, VIII of 1878 901

SETTLEMENT—
of land revenue in districts of Cuttack, Pooree, and Balasore to continue in force until the expiration of the year 1304 Umlee, s. 1, X of 1867 ... 146
proprietor objecting to, may give notice to Collector, s. 2, X of 1867 146, 147
proprietor failing to give notice to be liable to pay revenue in accordance, with existing, s. 4, V of 1867 ... 147
of island thrown up in navigable river, s. 3, IV of 1868 152

SETTLEMENT OFFICER—
enhancement of rent by, s. 3, III of 1878 863

SEWERS—
public, vested in Calcutta Corporation, s. 215, IV of 1876 600
may be carried under public street, s. 216, IV of 1876 601
repair and alteration of, s. 217, IV of 1876 601
cleaning and emptying of, s. 218, IV of 1876 601
branch drain leading into, may be demolished, s. 220, IV of 1876 ... 602
to be provided with proper traps, s. 226, IV of 1876 603
ventilation pipes for, s. 227, IV of 1876 603
penalty for throwing rubbish into, s. 232, IV of 1876 605
powers of municipal authorities when constructing, s. 325, IV of 1876 ... 628
in Mofussil municipalities to be under the control of the Commissioners, s. 207, V of 1876 703
See DRAINS.

SHARE—
of ward, to be taken charge of by Court, but not liable to sale for arrears of revenue until after a year, s. 5, IV of 1870 215
opening of separate account in respect of, under secs. 10 and 11 of Act XI of 1859, s. 69, VII of 1876 ... 786

SHAREHOLDER—
in Cuttack, Pooree, and Balasore, objecting to settlement, to give notice to Collector, s. 2, X of 1867 146, 147
in Cuttack, Pooree, and Balasore, failing to give notice to Collector, to be liable to pay revenue in accordance with existing settlement, s. 4, X of 1867 147
execution of rent decree given in favor of, s. 64, VIII of 1869 197
in company with which Port Commissioners enter into contract not disqualified from being a Port Commissioner, s. 13, V of 1870 ... 242
who has paid road cess may recover from co-sharers, s. 25, X of 1871 ... 334
in company with which district road cess committee makes contract not disqualified from being member, etc., of committee, s. 65, X of 1871 342
in estate or tenure, may recover from co-sharer sum paid under Survey Act, s. 47, IV of 1875 497
in company not to be deemed interested in contract made with municipality, s. 57, V of 1876 ... 668

SHEEP—
municipal license for keeping, s. 247, IV of 1876 609
not more than 20 to be kept without permission of municipal authorities, s. 250, IV of 1876, *and* s. 292, V of 1876 ... ... 609, 723

SHELTER—
of prisoners in jails, in case of overcrowding or disease, s. 12, II of 1864 26

SHEPHERD—
not to keep sheep without municipal license, s. 247, IV of 1876 ... 609

SHIAH—
Mahomedan registrar of marriages and divorces when to be, s. 3, I of 1876 502

SHIP, see VESSEL.

SHIPMENT—
of cargo, see PORT COMMISSIONERS, VESSEL.

SICKNESS—
keeper of Pooree lodging-house to report, s. 13, IV of 1871... ... 292
of laborer, justifies temporary suspension of contract, s. 110, VII of 1873 458

SIDDHI—
included in definition of intoxicating drugs, s. 4, VII of 1878 ... 874
wholesale and retail sale of, defined, s. 15, VII of 1878 876

SIGN-BOARD—
penalty for non-removal after expiry of excise license, s. 21, II of 1866, *and* s. 38, IV of 1866 ... 76, 99

SIR—
land, excepted from definition of right of occupancy, s. 6, VIII of 1869 ... 181
land, partition of, s. 106, VIII of 1876 831

SLAUGHTER-HOUSE—
no place to be used as, without license under penalty, s. 1, VII of 1865 ... 58
Municipal Commissioners may provide place for, s. 2, VII of 1865 ... 58
licensed, to be properly drained, under penalty, s. 3, VII of 1865 ... 59
Municipal Commissioners may make bye-laws for inspection of, s. 4, VII of 1865 59
Municipal Commissioners may inspect, s. 5, VII of 1865 60
Magistrate may suspend and revoke license for, s. 6, VII of 1865 ... 60
Act regulating, has been extended to certain places, but repealed as regards Suburbs of Calcutta, s. 9, VII of 1865 61
definition of, in Calcutta Municipal Act, s. 3, IV of 1876 547
in Calcutta and Suburbs not to be used without license, s. 287, IV of 1876 618
Calcutta municipal authorities may provide place for, s. 288, IV of 1876 619
to be properly drained, etc., s. 289, IV of 1876, *and* s. 271, V of 1876 ... ... 619, 718
inspection of, by Calcutta municipal authorities, s. 292, IV of 1876 ... 620
suspension or cancelment of license for s. 293, IV of 1876 620
municipal license for, s. 285, V of 1876 721

SLUICE—
construction of, in embankment, s. 4, VI of 1873 384
in public embankment to be opened or shut only under orders of Engineer, s. 22, VI of 1873 ... 388
forming part of Government embankment or water-course to vest in Government, s. 34, VI of 1873 ... 391
penalty for opening or shutting without authority, s. 94, III of 1876 ... 539
apportionment of expenses of construction of, in Orissa and Sunderbuns, s. 6, VII of 1866 ... 905

SMALL CAUSE COURT—
not to have jurisdiction in rent suits, s. 104, VIII of 1869 207
appeal against municipal assessment to, s. 114, IV of 1876 577
to determine disputed damages and expenses under Calcutta Municipal Act, ss. 353, 354, IV of 1876 ... 635

SMALL-POX—
penalty for producing by inoculation, s. 1, IV of 1865 54

SMOKE—
of furnaces to be consumed, s. 1, II of 1863 21
penalty for neglect to consume, s. 1, II of 1863 21
definition of "consume or burn the smoke," s. 1, II of 1863 ... 22

SOAP-HOUSE—
to be registered at municipal office, s. 297, IV of 1876 621
municipal license for, s. 285, V of 1876 721

SONTHAL PERGUNNAHS—
Jail Acts in force in, IV of 1864, V of 1865 ... ... 27, 57
Bengal Act V of 1864 in force in ... 28
Salt Act in force in, s. 4, VII of 1864 42
Inoculation Act in force in, s. 3, IV of 1865 55
Act for shortening language in Bengal Acts in force in, s. 5, V of 1867 ... 146
Bengal Act VII of 1868 in force in ... 163

SPECIAL COMMISSIONER—
to record Chota Nagpore Tenures, see CHOTA NAGPORE TENURES.

SPECIAL COMMITTEE—
of Calcutta Corporation to report on jute warehouses, s. 5, II of 1872 ... 359

SPECIAL CONSTABLES—
appointment and powers of, ss. 18, 19, IV of 1866 96
penalty on, for neglecting to serve, s. 20, IV of 1866 96

SPECIAL POLICE OFFICERS—
appointment and powers of, ss. 12, 13, II of 1866 73
penalty on, for neglecting to serve, s. 14, II of 1866 73

SPIRITS—
penalty for taking into barracks, etc., ss. 33, 34, IV of 1866 ... 97, 98

SPIRITUOUS LIQUOR—
definition of, s. 4, VII of 1878 ... 874
See EXCISE.

STAGE CARRIAGE—
second and third class hackney carriage may ply as, s. 41, V of 1866... 127
definition of, s. 53, V of 1866 ... 132

STAGES—
may be erected by Port Commissioners, s. 39, V of 1870 249
See WHARVES.

STAND—
for hackney carriages, s. 42, V of 1866 128

STAKE—
proof of playing for, not necessary to convict keeper of common gaming-house, s. 29, II of 1866, *and* s. 49, IV of 1866 ... 78, 102

STATEMENT—
contents of, in rent suit, s. 12, VI of 1862 ... ... 13, 14
of roads, etc., prepared by district committee under Road Cess Act, s. 66, X of 1871 343
of proceeds of road cesses to be prepared by Collector, s. 69, X of 1871 343

STATIONS—
consist of places in which Act XXVI of 1850 was in force, s. 3, V of 1876 651
continuance of Commissioners and of taxes in, s. 351, V of 1876 ... 736
formation of, s. 352, V of 1876 ... 736
notice of application for formation of, to be published in *Calcutta Gazette*, s. 353, V of 1876 736
publication of final order as to formation of, s. 355, V of 1876 ... 737
appointment of Commissioners of, s. 356, V of 1876 737
rules to be made by Commissioners of, s. 357, V of 1876 737
Station Fund, s. 358, V of 1876 ... 738
Commissioners may make contracts, s. 359, V of 1876 738
application of taxes raised, s. 359, V of 1876 738
liability of Commissioners, s. 360, V of 1876 738
recovery of taxes, s. 361, V of 1876 ... 738
Commissioners to send account of works and of receipt and expenditure, s. 362, V of 1876 ... 738
Lieutenant-Governor may suspend operation of Chapter IV of Bengal Municipal Act in, s. 363, V of 1876 ... 738
Chapters I and V of Bengal Municipal Act applicable to, s. 364, V of 1876 739

STEAM VESSEL—
plying on certain rivers, liable to survey twice a year, s. 1, V of 1862 ... 3
appointment of surveyors of, s. 2, V of 1862 3
inspection of, by surveyors, s. 3, V of 1862 3
owner, master and officers of, to afford facility for survey, s. 3, V of 1862 3
owner or master of, to receive certificate and declaration, s. 4, V of 1862 3
pilot when to be assigned to, s. 5, V of 1862 3
clearance when to be granted to, s. 5, V of 1862 3
detention of, when not furnished with certificate and declaration, s. 5, V of 1862 4
special directions may be given for survey of British, s. 7, V of 1862 ... 4
rules for survey of, s. 8, V of 1862 ... 4
fees for survey of, s. 10, V of 1862, *and* s. 5, I of 1868 ... 5, 6, 7, 148
second survey of, ss. 13, 14, V of 1862 6
not bound to consume its own smoke, s. 1, II of 1863 21
in port of Calcutta, exempted from operation of Bengal Act VI of 1864, s. 10, VI of 1864 37
penalty on owner or master of, for plying without certificated engineer, s. 12, I of 1868 149
Lieutenant-Governor may exempt private, from obligation to have certificated engineer, s. 13, I of 1868 ... 150
investigation of explosion on, s. 6, I of 1868 148
engineers of, appointment and certificates of, ss. 7, 8, 9, 10, I of 1868 ... 149
certificate of survey not to be granted for, unless it has a certificated engineer, s. 11, I of 1868... ... 149

STOLEN PROPERTY—
pawn-brokers, etc., to report to Police office, s. 33, II of 1866, *and* s. 53, IV of 1866 ... 78, 102, 103
warrant to search for suspected, s. 79, IV of 1866 110
search for, without warrant, s. 80, IV of 1866 111

STRAY ANIMALS—
may be impounded, and sold unless redeemed within ten days, s. 71, IV of 1866 108

STREET—
definition of, s. 3, IV of 1876 ... 547
Commissioner of Police to make rules for keeping order in, s. 39, II of 1866, *and* s. 62, IV of 1866 ...80, 104
penalty for certain offences in, s. 40, II of 1866 80
definition of, in Calcutta Municipal Act, s. 3, IV of 1876, ... 547
vested in Corporation of Calcutta, s. 189, IV of 1876 594

STREET—(*contd.*)
making and improving of, s. 190, IV of 1876 595
maintenance and repair of, s. 191, IV of 1876 595
lighting of, s. 192, IV of 1876 ... 595
cleansing of, s. 193, IV of 1876 ... 595
dust-boxes in, s 194, IV of 1876 ... 595
watering of, s. 198, IV of 1876 ... 596
obstructions and encroachments in, s. 199, IV of 1876 596
temporary erections in, on occasions of festivals and ceremonies, s. 199, IV of 1876 596
laying out of new, s. 200, IV of 1876 596
levelling and paving of, s. 202, IV of 1876 597
lanes of, and numbers of houses in, ss. 204, 205, IV of 1876 ... 598
doors, etc., opening on, s. 206, IV of 1876 598
troughs and pipes to be fixed to houses, s. 207, IV of 1876 598
removal of projections and encroachments in front of houses, ss. 208, 209, IV of 1876 ... 598, 599
verandahs, balconies, etc., projecting over, s. 210, IV of 1876 ... 599
trimming of hedges bordering on, s. 212, IV of 1876 600
depositing materials or making hole in, s. 213, IV of 1876 600

SUB-MANAGER—
may be appointed for wards' estate, s. 37, IV of 1870 223
to be a public accountant, s. 42, IV of 1870 ... ... 223, 224

SUB-REGISTRAR—
for registration of corpses burned or interred, ss. 169, 170, IV of 1876, *and* ss. 296, 297, V of 1876 ... 591, 724

SUBSIDIARY FERRY—
to be maintained in addition to public ferry, s. 3, I of 1866 66

SUBSISTENCE MONEY—
laborer to receive, during suspension of contract, s. 110, VII of 1873 ... 458

SUBURBS OF CALCUTTA—
Police in, see POLICE.
smoke of furnaces in, II of 1863 ...21, 22
definition of, in Bengal Act II of 1863 22
definition of, in Bengal Act VI of 1864 35
Act prohibiting inoculation by small-pox in force in, s. 3, IV of 1865 ... 55
Act for slaughter-houses no longer in force in, s. 9, VII of 1865 ... 61
may be excluded from the General Police District, s. 1, II of 1866 ... 70
definition of, in *Calcutta Gazette*, s. 1, II of 1866 70
sections 7 and 11 of the Gambling Act apply to, s. 16, II of 1867 ... 138
Cruelty to Animals Act applies to, s. 9, I of 1869 166
registration of carts kept in, s. 83, IV of 1876 569

SUDDER FARMER—
liable to pay for maintenance of zemindary dak, s. 3, VIII of 1862 ... 18

SUDDER JUMMA—
zemindary dak charges to be apportioned on, s. 5, VIII of 1862 ... 19

SUDDER PUNCHAYET—
appointment and duties of, in Unions, s. 344, V of 1876 73

SUIT—
for rent, Court may award damages to plaintiff in certain cases, s. 2, VI of 1862, *and* s. 44, VIII of 1869 ... 9, 191
for rent, Court may award compensation to defendant in certain cases, s. 2, VI of 1862, *and* s. 45, VIII of 1869 ... ... 10, 192
against person making deposit of rent, limitation of, s. 6, V of 1862, *and* s. 48, VIII of 1869 ... 11, 193
for rent, payment into Court after tender before institution of suit, s. 7, VI of 1862, *and* s. 48, VIII of 1869 ... ... 11, 193
for rent, payment into Court without previous tender, s 8, VI of 1862, *and* s. 49, VIII of 1869 ... 11, 193
for rent, contents of statement or plaint in, s. 12, VI of 1862, *and* s. 43, VIII of 1869 ... ... 13, 191
for rent, execution in, ss. 16, 17, VI of 1862, *and* ss. 53, 67, VIII of 1869 ... ... 14, 194
for rent, jurisdiction, s. 20, VI of 1862, *and* ss. 33—36, VIII of 1869 15, 188, 189
for resumption of land held free of assessment to be heard by Civil Courts, s. 2, VII of 1862 ... 17
also to hold land exempt from the payment of revenue, s. 2, VII of 1862 17
limitation of, under Salt Act, s. 41, VII of 1864 50
limitation of, under Calcutta Police Act, s. 99, IV of 1866... ... 111
costs of, under Calcutta Police Act, s. 99, IV of 1866 112
to contest ownership of island thrown up in navigable river, s. 3, IV of 1868 152
not to be brought to set aside decision under Chota Nagpore Tenures' Act, s. 20, II of 1869 171
judgment in, not to be evidence in enquiry before Special Commissioner under Chota Nagpore Tenures' Act, s. 24, II of 1869 172
for rent, presumption if rent of land has remained the same for twenty years, s. 3, VIII of 1869 ... 181
for rent, by or against surburakars or tehsildars of estates held under khas management, s. 24, VIII of 1869... 163

SUIT—(*contd.*)
for rent, limitation of, ss. 27, 32, VIII of 1869 ... ... 186, 187
for damages against distrainer, limitation of, s. 100, VIII of 1869 ... 206
for rent, register of, s. 42, VIII of 1869 191
to contest distrainer's demand after notice of sale, s. 80, VIII of 1869... 201
to contest distrainer's demand before notice of sale, s. 82, VIII of 1869 201
value of claim in suits disputing distress, s. 84, VIII of 1869 ... 202
to contest distrainer's demand distrainer must prove arrears of rent, s. 95, VIII of 1869 204
against distrainer, to try right to possession of distrained property, s. 96, VIII of 1869 204
to recover damages for illegal distress, s. 97, VIII of 1869 205
to recover damages for neglect of distrainer, s. 98, VIII of 1869 ... 205
to recover damages from unauthorized distrainer, s. 99, VII of 1869 ... 205
by or against ward, manager to be next friend or guardian, s. 69, IV of 1870 230
Court may nominate another person to be next friend or guardian, s. 69, IV of 1870 230
by or against ward, costs to be paid out of ward's property, s. 69, IV of 1870 230
process against wards to be served through High Court, s. 71, IV of 1870 230
not to be brought on behalf of ward unless authorized by the Court, s. 72, IV of 1870 230
by or against ward, Court may submit to arbitration or compromise, s. 73, IV of 1870 230
on behalf of a minor, may be brought by Court of Wards after death of minor, s. 79, IV of 1870 ... 232
Port Commissioners may compromise, s. 86, V of 1870 249
under Port Commissioners' Act, limitation of, s. 87, V of 1870 ... 264
under Village Chowkeedaree Act, procedure and limitation, s. 63, VI of 1870 283
under Pooree Lodging-house Act, procedure and limitation, s. 86, IV of 1871 297
under Howrah Bridge Act, notice and limitation, s. 27, IX of 1871 ... 320
Port Commissioners not protected from, in respect of act done under their express order, s. 1, III of 1872 369
to recover rate from employer of laborers, s. 96, VII of 1873 454
under Survey Act, not to be brought until appeal has been preferred, s. 62, IV of 1875 501
cannot be brought to set aside award or decision under Irrigation Act, s. 26, III of 1876 523
relating to water-rate, jurisdiction, s. 90, III of 1876 538
against Calcutta municipal authorities, notice and limitation of, s. 357, IV of 1873 636
against authorities under Bengal Municipal Act, notice and limitation of, s. 374, V of 1876 741
for nuisance, not affected by Bengal Municipal Act, s. 378, V of 1876 ... 743
for rent, transferred to Collector under Agrarian Disputes' Act, s. 11, VI of 1876 753
under Agrarian Disputes' Act may be brought by or against any number of ryots collectively, s. 16, VI of 1876 755
under Agrarian Disputes' Act may be referred to Civil Court, s. 19, VI of 1876 756
not to be brought to contest order or judgment under Agrarian Disputes' Act, s. 23, VI of 1876... ... 757
in Civil Court when not to affect partition proceedings, s. 26, VIII of 1876 808
orders of revenue officers under Partition Act which cannot be set aside by, s. 149, VIII of 1876 ... 844
may be brought to set aside certain orders of revenue officers under Partition Act, s. 150, VIII of 1876 ... 844
to contest liability to pay rent enhanced by settlement officer, limitation of, s. 4, III of 1878 863
against Deputy Commissioner, etc., limitation of, s. 34, VIII of 1878... 901
not to lie for recovery of compensation for land taken for embankments, s. 1, VII of 1866 903
to recover excess charge for embankment, s. 4, VII of 1866 ... 905
to recover excess charge for sluice, s. 6, VII of 1866 906

SUMMONS—
when to be issued by Magistrate in excise cases, s. 49, VII of 1878 ... 883

SUNDERBUNS—
excluded from operation of Embankment Act, s. 1, VI of 1873 ... 382

SUNNI—
Mahomedan registrar of marriages and divorces when to be, s. 3, I of 1876 302

SUPERINTENDENT—
of emigration, see EMIGRATION TO LABOR DISTRICTS.
of central jail, s 6, II of 1864 ... 25
of presidency jail, powers of, s. 8, V of 1865 58
Collector may cause valuation roll under Part IV of Road Cess Act to be tested by, s. 44, X of 1871 ... 339
of census, s 2, XI of 1871 ... 354
of survey, s. 4, IV of 1875 ... 483
of excise, s. 32, VII of 1878 ... 880

SUPERVISOR—
of line of navigation, appointment and powers of, ss. 13, 14, 15, V of 1864 33

SURBURAKAR—
of estate held under khas management, rent suit by or against, s. 24, VIII of 1869 186
of estate held under khas management, to exercise power of distraint, s. 70, VIII of 1869 199

SURETY—
to recognizance under Police Acts, ss. 45, 46, 47, II of 1866, *and* ss. 76, 77, 78, IV of 1866 ... 83, 109, 110

SURPLUS—
of zemindary dak sums, disposal of, s. 10, VIII of 1862 20

SURVEY—
of lands, proprietors' right of making, s. 9, VI of 1862, *and* s. 25, VIII of 1869 ... ... 12, 186
of buildings for keeping inflammable oil, s. 8, III of 1865 52
of works of Port Commissioners may be ordered by Lieutenant-Governor, s. 88, V of 1870 264
Lieutenant-Governor may order, s. 3, IV of 1875 482
Lieutenant-Governor may not order new survey for the purposes of Act IX of 1847 until ten years have elapsed, s. 3, IV of 1875 ... 483
Lieutenant-Governor may appoint Superintendent of Survey and Assistant Superintendents, s. 4, IV of 1875 483
Board of Revenue may direct Collector to perform duties of Superintendent, s. 4, IV of 1875 ... 483
Collector to publish proclamation requiring attendance of persons interested, s. 5, IV of 1875... ... 483
publication of proclamation, s. 5, IV of 1875 483
Collector may enter on lands, s. 6, IV of 1875 484
Collector may serve special notice requiring attendance of any person, s. 7, IV of 1875 484
Collector to pay the price of materials or labor supplied, s. 8, IV of 1875 484
Collector may require occupants to clear boundary lines, s. 9, IV of 1875 484
Collector to offer compensation for trees, crops, etc., s. 10, IV of 1875 484
Ameen to publish notice requiring persons to sign maps and papers, s. 11, IV of 1875 ... 484, 485
any person who objects to sign to state his objections in writing, s. 11, IV of 1875 485
mode and effect of signature, s. 11, IV of 1875 485
on receipt of maps, Collector to post notification in his office, s. 12, IV of 1875 485
Collector when to serve special notice requiring zemindar to sign maps and papers, s. 12, IV of 1875 485, 486
Collector may order copies of maps and papers to be prepared, s. 12, IV of 1875 486
when objections are stated, Collector may hold further enquiry, s. 12, IV of 1875 486
person making subsequent objection may be required to deposit costs of further inquiry, s. 13, IV of 1875 ... 486
on deposit of costs, Collector may make further inquiry, s. 13, IV of 1875 487
Collector may erect temporary boundary marks and require occupant to keep them in repair, s. 14, IV of 1875 487
Collector to publish specification of marks, s. 15, IV of 1875 ... 487
expenses of erecting boundary marks to be apportioned among zemindars and tenure-holders, s. 16, IV of 1875 487
tenure-holder not liable to pay unless his tenure is within 1,500 feet of boundary mark, s. 17, IV of 1875... 488
certain lands held without payment of rent to be deemed part of a tenure, s. 17, IV of 1875 488
rent-free holding of annual value less than Rs. 5 not liable to pay expenses of erecting boundary marks, s. 17, IV of 1875 488
in default of occupant, Collector may maintain boundary mark and recover expenses from him, s. 18, IV of 1875 488
zemindar, etc., bound to preserve boundary mark and give notice of injury, s. 19, IV of 1875 ... 488
Collector may re-erect boundary marks and recover expenses from zemindar, etc., s. 20, IV of 1875 488
Collector may cause boundary marks to be erected by occupant, s. 21, IV of 1875 489
Collector to prepare statement of expenses incurred in erecting boundary marks, s. 22, IV of 1875 ... 489
contents of Collector's statement, s. 23, IV of 1875... 489
Collector to make provisional apportionment of costs, s. 24, IV of 1875 489
contents of notice of apportionment, s. 25, IV of 1875 ... 489, 490
Collector to make final apportionment, s. 26, IV of 1874 490
Collector may postpone final apportionment, s. 27, IV of 1875 ... 490
zemindar failing to appear will be deemed to have waived all objections, s. 28, IV of 1875 491
Collector to issue notice specifying amount finally apportioned, s. 29, IV of 1875... 491
amount may be recovered with interest, s. 29, IV of 1875 491
notice to assign boundary marks to zemindars and tenure-holders, s. 29, IV of 1875... 491

SURVEY—(*contd.*)
Collector to make provisional apportionment between zemindars and tenure-holders, s. 30, IV of 1875 ... 491
no separate notice to be served in respect of apportionment of sum less than Rs. 2, s. 30, IV of 1875 ... 492
when Collector may make summary apportionment between zemindar and tenure-holders, s. 31, IV of 1875 ... 492
contents of notice of summary apportionment between zemindars and tenure-holders, s. 32, IV of 1875 ... 492
procedure when summary apportionment has been made, s. 33, IV of 1875 493
mode of apportionment among zemindars and tenure-holders, s. 34, IV of 1875 493
notice of apportionment to be served on tenure-holders, s. 35, IV of 1875 493
Collector not to issue notices to tenure-holders until zemindars have deposited costs, s. 36, IV of 1875 ... 494
apportionment between tenure-holder and holder of subordinate tenure, s. 37, IV of 1875 494
recovery of sums payable to zemindar or tenure-holder, s. 38, IV of 1875... 494
recovery of sums expended by Government since 1st November 1874, s. 39, IV of 1875 494
in case of dispute, Collector may determine boundary, s. 40, IV of 1875 494
effect of order of Collector determining boundary, s. 41, IV of 1875 ... 495
Collector may take possession of land in dispute, s. 42, IV of 1875 ... 495
Collector may refer dispute to arbitration, s. 43, IV of 1875 495
powers of Collector when disputed boundary has been determined by Court or by Revenue Survey, s. 44, IV of 1875... 495
Collector may deviate from a former boundary if parties agree, s. 44, IV of 1875 496
when Collector may relay boundary, s. 45, IV of 1875 496
when Collector may cause boundary marks to be erected, s. 46, IV of 1875 ... ... 496, 497
liability of shareholders, s. 47, IV of 1875 497
shareholders may recover from co-sharers, s. 47, IV of 1875 ... 497
service of notices, s. 48, IV of 1875 ... 497
mistake not to affect proceedings under Act, s. 49, IV of 1875 498
power of Collector to enforce attendance of witnesses, s. 50, IV of 1875 498
penalty for failing to comply with requisition in notice, s. 51, IV of 1875 498
penalty for failing to give notice of injury to boundary mark, s. 52, IV of 1875 498
penalty for removing or damaging boundary mark, s. 53, IV of 1875 ... ... 498, 499
Collector may award portion of fine to informer, s. 54, IV of 1875 ... 499
recovery of fines, s. 55, IV of 1875 ... 499
amounts due to be a demand under Bengal Act VII of 1868, s. 57, IV of 1875 499
control of Government officers, s. 58, IV of 1875 499
Government may restrict functions of Commissioner, s. 58, IV of 1875 ... 500
appeals to Collector or Superintendent, s. 59, IV of 1875 500
appeals to Commissioner, s. 60, IV of 1875 500
orders as to costs on appeal, s. 61, IV of 1875 500
no suit to be brought unless appeal has been preferred, s. 62, IV of 1875 501
Board of Revenue may make rules, s. 63, IV of 1875 501

SURVEYOR—
of Calcutta Corporation, appointment, removal, and salary of, ss. 32, 35, IV of 1876 ... ... 556, 558

SURVEYOR OF STEAM VESSELS—
appointment of, s. 2, V of 1862 ... 3
definition of, s. 16, V of 1862 ... 6
may go on board steam vessels for inspection, s. 3, V of 1862 ... 3
penalty for refusing access or information to, s. 3, V of 1862... ... 3
when to grant certificate and declaration, s. 4, V of 1862 3
receiving illegal fee, liable to dismissal, s. 9, V of 1862 4
in case of second survey, how to proceed, s. 14, V of 1862 6
additional fees for, when two employed, s. 1, III of 1871 287

SUSPENSION—
of officer or pilot leaving port without surveyor's certificate and declaration, s. 6, V of 1862 4
of license for slaughter-house, s. 6, VII of 1865 60
of Police officer, s. 4, II of 1866, *and* s. 10, IV of 1866 ... ...71, 99
of certificate of engineer of steam vessel, s. 15, I of 1868 150
of license by Commissioner of Police under Jute Warehouse and Fire Brigade Act, s. 23, II of 1872 ... 364
of laborers' contract on account of sickness or pregnancy, s. 110, VII of 1873 458

SWEAR—
general definition of, in Bengal Act, s. 1, V of 1867 145

TABLE OF DISTANCES—
signed by registering officer of hackney carriages, conclusive, s. 40, V of 1866 127

TALOOKDAR—
suit by, for resumption of land held free of assessment to be heard by Civil Courts, s. 2, VII of 1862 ... 17
dependent, holding at fixed rate from time of permanent settlement not liable to enhancement of rent, s. 16, VIII of 1869 184
presumption as to rent of, s. 17, VIII of 1869 184
dependent, to register transfer of talook, s. 26, VIII of 1869 ... 186

TANK—
penalty for unauthorized bathing in public, s. 40, II of 1866, *and* s. 66, IV of 1866 ... ... 82, 107
penalty for misuse of public, s. 31, IV of 1871 296
stagnant, power to drain, s. 33, IV of 1871 296
drainage of public and private, by Calcutta municipal authorities, ss. 257, 759, IV of 1876 ... 611
cleansing of private, in Mofussil municipality, s. 211, V of 1876 ... 704
rule as to, in partition cases, s. 109, VIII of 1876 831

TANNERY—
to be registered at Calcutta municipal office, s. 297, IV of 1876 ... 621
Mofussil municipal license for, s. 285, V of 1876 721

TARI—
when may be possessed and sold without license, s. 14, VII of 1878 ... 876
wholesale and retail sale of, defined, s. 15, VII of 1876 876
supplied or used for manufacture of gur or molasses, provision as to, s. 61, VII of 1876 886

TASKS—
employer of laborers to frame schedule of, s. 106, VII of 1873 ... 457
committee may revise schedule of, s. 109, VII of 1873 457

TAVERN—
penalty for keeping, without license, s. 18, II of 1866, *and* s. 35, IV of 1866 ... ... 74, 98

TAX ON PERSONS—
may be imposed in Mofussil municipalities, s. 77, V of 1876 ... 673
preparation of assessment list, s. 79, V of 1876 674
payable by occupiers of holdings in quarterly instalments, s. 79, V of 1876 674
not to be levied on arable land or places of worship, s. 79, V of 1876 675
duration of assessment, s. 80, V of 1876 675
assessment of public buildings, s. 81, V of 1876 675
procedure when tax on one person exceeds Rs. 84 per annum, s. 82, V of 1876 675
exemption of poor persons, s. 83, V of 1876 676
application for reduction of assessment, s. 84, V of 1876 676
alteration of assessment, s. 85, V of 1876 676
substitution of name of new occupier, s. 86, V of 1876 676
assessment on holdings becoming vacant, s. 87, V of 1876 ... 676
instalment of, deemed to be due on the first day of the quarter, s. 109, V of 1876 681

TAXES—
Calcutta municipal, see CARRIAGE, ANIMALS, PROFESSION, TRADE.
Mofussil municipal, see TAX ON PERSONS, CARRIAGE, HORSES, ANIMALS.
tax on licenses for trades, etc., see TRADES' LICENSE TAX.

TEA PLANTATIONS—
return of, under Road Cess Act, s. 9, X of 1871 329

TEHSILDAR—
of estate under khas management, rent suit by or against, s. 24, VIII of 1869 186
of estate under khas management, to exercise power of distraint, s. 70, VIII of 1869 199
conniving at unlawful sale or manufacture of exciscable articles, liable to penalty, s. 65, VII of 1878 ... 887

TENDER—
neglect to make, of rent due, s. 2, VI of 1862, *and* s. 44, VIII of 1869 ... 9, 191
by ryot of rent due, s. 4, VI of 1862, *and* s. 46, VIII of 1869 10, 192

TENURE—
record of, in Chota Nagpore, see CHOTA NAGPORE TENURES.
created before passing of Act XI of 1859, application for registry of, s. 1, III of 1862 1
created after passing of Act XI of 1859, application for registry of, s. 1, III of 1862 1
created after passing of Bengal Act III of 1862, application for registry of, s. 1, III of 1862 1
proprietor of, may measure lands, s. 9, VI of 1862 12
record of, to be made by Collector, s. 10, VI of 1862 13
when Collector may declare to have lapsed, s. 10, VI of 1862 ... 13
definition of, in Bengal Act VII of 1868, s. 1, VII of 1868 ... 155
certain arrears of revenue payable in respect of, deemed to be a demand, s. 1, VII of 1868 155

TENURE—(*contd*)
sale of, for arrears of revenue, s. 11, VII of 1868 159
sale of, not to be made until after notification, s. 11, VII of 1868 ... 159
auction-purchaser of, to acquire free from certain incumbrances, s. 12, VII of 1868 ... 159, 160
auction-purchaser of, to have power to enhance rent, s. 13, VII of 1868 160
in wards' estates under Collector created before the estate came under the Court of Wards, s. 75, IV of 1870... 231
definition of, in Road Cess Act, s 3, X of 1871 326
holder of, to make return under Road Cess Act under penalty, ss. 5, 6, X of 1871 ... ... 327, 328
holder of, not to recover rent of lands not included in return lodged under Road Cess Act, s. 7, X of 1871 328
holder of, mode and time of payment of road cess by, ss. 21, 24, X of 1871 ... ... 332, 334
definition of, in Embankment Act, s. 3, VI of 1873 382
proprietor of, liable to pay sum apportioned to tenure under Embankment Act, s. 40, VI of 1873 ... 394
proprietor of, may recover from subordinate tenure-holder sum payable under Embankment Act, s. 40, VI of 1873 394
definition of, in Survey Act, s. 2, IV of 1875 482
definition of, in Provincial Public Works Act, s. 9, II of 1877 ... 848

TENURE-HOLDER—
liability of joint tenure-holders under Survey Act, s. 47, IV of 1875 ... 497
definition of, in Survey Act, s. 2, IV of 1875 482
bound to preserve boundary marks, s. 19, IV of 1875 488
apportionment of expenses of boundary marks between zemindar and, s. 30, *et seq*, IV of 1875 ... 491
to pay public works cess, s. 5, II of 1877 847

TESTAMENTARY GUARDIAN—
to be appointed guardian by Court of Wards, unless Board of Revenue considers him unfit, s. 31, IV of 1870 223
security not to be required from manager of wards' estate if he is, s. 38, IV of 1870 223
may be guardian of ward even if he is interested in outliving him, s. 55, IV of 1870 227

TICKA GHARRY, see HACKNEY CARRIAGE.

TICKET—
of drivers of hackney carriages and bearers of palankeens, see HACKNEY CARRIAGE, PALANKEEN, PENALTY.

TODDY-SHOP—
penalty for keeping, without license, s. 18, II of 1866, *and* s. 35, IV of 1866 ... ...74, 98

TOLA MEHTER—
must take out license, s. 242, IV of 1876 607
duties of, may be performed by municipal establishment, s. 244, IV of 1876 608

TOLA MEHTERS' DEPOTS—
license of, s. 242, IV of 1876 ... 607

TOLL-BAR—
may be taken over by Mofussil municipality, s. 148, V of 1876 ... 690
may be established by Mofussil municipality, s. 149, V of 1876 ... 690
to be removed when cost of construction and interest have been paid off, s. 150, V of 1876 691

TOLLS—
of Port Commissioners, see PORT COMMISSIONERS.
for vessels on canals and rivers, s. 5, V of 1864 31
alteration of rates of, s. 6, V of 1864 31
notification of, s. 7, V of 1864 ... 31
collection and farm of, s. 8, V of 1864 31
in default of payment of, vessel may be sold, s. 9, V of 1864 ... 31
penalty for evading payment of, s. 10, V of 1864 32
for Howrah bridge, s. 3, IX of 1871 and schedule ... 314, 321
for Howrah bridge, collection of, through East Indian Railway Company, s. 9, IX of 1871 315, 316
for Howrah bridge, to be reduced on accumulation of sufficient reserve fund, s. 22, IX of 1871 ... 319
for Howrah bridge, penalty for evading payment of, s. 29, IX of 1871 320
compensation may be awarded for loss of, s. 11, III of 1876 519
on ferries, bridges, and metalled roads, may be imposed in Mofussil municipalities, s. 78, V of 1876 ... 674
rate of, on municipal ferries, s. 142, V of 1876 689
rate of, on municipal bridges and roads, s. 152, V of 1876 ... 691
table of municipal, to be hung up, s. 156, V of 1876 692
municipal authorities may compound in respect of, s. 158, V of 1876 ... 693
not to be paid for troops, military or Government stores, etc., s. 159, V of 1876 693
on navigable channels, may be collected by municipal authorities, s. 162, V of 1876 694

TOM-TOM—
penalty for beating in public street, without permission from Commissioner of Police, s. 40, II of 1866, *and* s. 66, IV of 1866 ... 81, 107

TONNAGE—
fee for survey of steam vessels to be calculated on, s. 10, V of 1862 ... 5

TOOLS—
of defaulter under Village Chowkeedaree Act, not liable to distraint and sale, s. 32, VI of 1870 ... 277
of defaulter under Bengal Municipal Act, not liable to distraint and sale, s. 112, V of 1876 682

TOWPATH—
engineer may appropriate land for, s. 23, VI of 1873 388

TRADE—
tax on, s. 75, IV of 1876 ... 568
license to exercise in Calcutta, s. 76, IV of 1876 568
license tax of, see TRADES' LICENSE TAX.

TRADES' LICENSE TAX—
not to be levied from agriculturists, cultivators of land, or receivers of rent in kind, s. 4, I of 1878 . 851
annual licenses to be taken out, s. 5, I of 1878 852
no person whose annual earnings are less than Rs. 100 required to take out a license, s. 5, I of 1878 ... 852
what officer to grant license, s. 6, I of 1878 852
particulars of license, s. 7, I of 1878 ... 852
effect and duration of license, s. 8, I of 1878 852
renewal of license, s. 9, I of 1878 ... 852
Collector to prepare annual list of licensees, s. 10, I of 1878 ... 853
contents of list, etc., s. 10, I of 1878 853
Collector may require list of persons residing in house, etc., s. 11, I of 1878 853
Collector to determine class under which licensee is to be charged, s. 12, I of 1878 853
payment by person or firm carrying on several trades, etc., s. 13, I of 1878 853
payment in case of a firm, s. 13, I of 1878 853
Collector may remit fee, s. 14, I of 1878 854
publication of list and notification, s. 15, I of 1878 854
when Collector may require employers to deduct fee from salary of person employed, s. 16, I of 1878 ... 854
petition of objection, s. 17, I of 1878 854
powers of Collector on hearing of petition, s. 18, I of 1878 ... 854
appeals, s. 19, I of 1878 ... 855
power of Collector to obtain evidence, s. 20, I of 1878 855
penalty for carrying on trade, etc., without a license, s. 21, I of 1878 ... 855
recovery of fees and penalties, s. 22, I of 1878 855
sums due under Act not to be recovered after three months, s. 23, I of 1878 856
license to be produced on demand, s. 24, I of 1878 856
prosecution for refusal to produce license to be at instance of Collector, s. 24, I of 1878 856
Courts of Wards' receivers and managers how chargeable, s. 25, I of 1878 856
payment by trustee, etc., s. 26, I of 1878 856
Collector may require returns of persons chargeable from municipalities, s. 27, I of 1878 856
when Collector may revise return, s. 27, I of 1878 856
disposal of petition of objection, s. 27, I of 1878 857
local Government may call upon municipalities to pay a certain sum, s. 28, I of 1878 857
powers of Commissioners and Magistrate in case of Union, s. 29, I of 1878 857
recovery of fees in municipalities, s. 30, I of 1878 857
recovery by Collector as arrear of revenue, s. 30, I of 1878 ... 857
municipal revenues may be appropriated for payment of sum due to local Government, s. 30, I of 1878 857
exemption of licensee from payment of road cess or public works cess on house, s. 31, I of 1878 ... 858
powers of Collector may be exercised by other officers, s. 32, I of 1878 ... 858
fees leviable in Calcutta, s. 33, I of 1878 858
definition of resident and of Calcutta, s. 33, I of 1878 858
procedure in Calcutta, s. 34, I of 1878 858
disposal of petition of objection in Calcutta, s. 35, I of 1878 ... 858
recovery of sums in Calcutta, s. 36, I of 1878 859
disposal of fees and penalties, s. 37, I of 1878 859
obligation to furnish information, s. 38, I of 1878 859
local Government may exempt territories or persons from operation of Act, s. 39, I of 1878 ... 859
local Government may make rules, s. 39, I of 1878 859

TRAMWAYS—
may be erected by Port Commissioners, s. 39, V of 1870 249
liable to payment of road cess except when belonging to Government of India, s. 28, X of 1871 ... 335

TRAMWAYS—(*contd.*)
included in definition of "railway" in Calcutta Municipal Act, s. 3, IV of 1876 547
liable to payment of public works cess, s. 6, II of 1877 848

TRANSFER—
of talooks to be registered, s. 26, VIII of 1869 186
of talooks, zemindar to admit to registry and give effect to, s. 26, VIII of 1869 186
of under-tenure not to be recognized unless it has been registered, s. 63, VIII of 1869 197
of chowkeedaree chakran lands to zemindar, ss. 48—51, VI of 1870 ... 280
of chowkeedaree chakran lands, right to services of occupier of lands to cease, s. 57, VI of 1870 ... 282
of village-channel, s. 54, III of 1876 530

TRANSPORT—
of salt, see SALT, PENALTY.

TRAPS—
for sewers and drains, s. 226, IV of 1876 603

TREES—
overhanging public street, may be trimmed by municipal authorities, s. 212, IV of 1876, *and* s. 222, V of 1876 ... ... 600, 707
overhanging public highway must be trimmed, s. 26, IV of 1871 ... 295
on land taken under Embankment Act, compensation for, s. 13, VI of 1873 386
engineer may remove between Embankment and a river, s. 21, VI of 1873 388
compensation for, when removed for purposes of survey, s. 10, IV of 1875 484

TRESPASS—
penalty for wilful, s. 29, IV of 1866 ... 97

TROUGHS—
to be affixed to houses in public streets, s. 207, IV of 1876 508

TRUSTEE—
included in definition of "owner" in Calcutta Municipal Act, s. 3, IV of 1876 546
liability of, under Calcutta Municipal Act, s. 3, IV of 1876 547
trustees of Calcutta municipal securities, duties of, ss. 338, 339, IV of 1876 632
liability of, under Bengal Municipal Act, s. 6, V of 1876 655
payment of trades' license tax by, s. 26, I of 1878 856

TUCCAVEE—
sums payable to Government in respect of, included in definition of revenue under Bengal Act VII of 1868 154

TUG STEAMER—
commander of, leaving port without certificate of survey and declaration, liable to penalty, s. 6, V of 1862 ... 4
Port Commissioners may procure and charge for, s. 40, V of 1870 ... 249

UNDER-TENANT, see RYOT.

UNDER-TENURE—
liability of holder of, under Hazaribagh and Lohardugga Rural Police Act, see HAZARIBAGH AND LOHARDUGGA RURAL POLICE.
sale of, to be conducted by Collector, s. 3, VIII of 1865 61
notice of sale of, s. 4, VIII of 1865 ... 62
contents of notice of sale of, s. 5, VIII of 1865 62
how sale of, may be stopped, s. 6, VIII of 1865 62
to be sold to highest bidder, s. 7, VIII of 1865 62
resale of, ss. 8, 9, 10, VIII of 1865 ...62, 63
certificate of sale of, s. 11, VIII of 1865 63
disposal of proceeds of sale of, s. 12, VIII of 1865 63
sale of, appeal and power of revision, ss. 13, 14, VIII of 1865 ...63, 64
purchaser of, to receive back purchase-money if sale set aside, s. 15, VIII of 1865 64
auction-purchaser of, acquires free of incumbrances, with certain exceptions, s. 16, VIII of 1865 ... 64
auction-purchaser of mookurruree, cannot set aside certain rights of occupancy, VIII of 1865 ... 64
auction-purchaser of, acquires free from lakhiraj incumbrance, VIII of 1865 65
auction-purchaser of, can avoid rent-free holding of the purchaser of a portion of the under-tenure, VIII of 1865 65
auction-purchaser of shikmee, acquires it free of all incumbrances, VIII of 1865 65
auction-purchaser of, must apply for registration and execute kabuliat, s. 17, VIII of 1865 65
list of those which cannot be avoided by purchaser of a tenure at a revenue sale, s. 12, VII of 1868 ... 160
definition of, in Hazaribagh and Lohardugga Rural Police Act, s. 2, VIII of 1878 894

UNIONS—
consists of places in which Act XX of 1856 was in force, s. 3, V of 1876... 651
list of 653
definition of, s. 6, V of 1876 ... 656
continuance of members of punchayet and of taxes in, s. 319, V of 1876 729, 730
Lieutenant-Governor may vary limit of, or withdraw from operation of Chapter III of Bengal Municipal Act, s. 321, V of 1876... ... 730

UNIONS—(*contd.*)
Lieutenant-Governor may form, s. 322, V of 1876 730
Lieutenant-Governor may define limits of new, s 323, V of 1876 ... 730
not to include agricultural village, ss. 322, 323, V of 1876 ... 730
Magistrate to raise money for police, s. 324, V of 1876 730
Magistrate may raise further sum for cleansing union, providing drinking-water, lighting, &c., s. 324, V of 1876 730
money raised not to exceed a certain amount, s. 324, V of 1876 ... 731
constitution of Union Fund, s. 326, V of 1876 731
Magistrate to prepare estimates, s. 326, V of 1876 731
tax to be an assessment according to circumstances and property, s. 327, V of 1876 731
Magistrate to appoint punchayet, s 328 V of 1876 731
punchayet to consist of three or five respectable persons, s. 328, V of 1876 731
Magistrate may appoint person who does not reside or carry on business in Union, s. 328, V of 1876 ... 731
punchayet to make assessment, s. 329, V of 1876 731
requisition of Magistrate to punchayet, s. 330, V of 1876... ... 732
punchayet may revise the old assessment, s. 331, V of 1876 ... 732
Magistrate may revise assessment settled by punchayet, s. 332, V of 1876 732
Magistrate may exempt occupier who is too poor to pay, s. 333, V of 1876 732
Magistrate to sign assessment list, and publish notification, s. 334, V of 1876 732
assessment to stand good for one year, s. 335, V of 1876 732
liability in case of change of occupation, s. 335, V of 1876... ... 732
appeal from assessment to Magistrate, s. 336, V of 1876 733
decision of Magistrate to be final, s. 336, V of 1876 733
limitation of appeals, s. 336, V of 1876 733
Commissioner may direct revision of assessment, s. 337, V of 1876 ... 733
Magistrate may direct revision of assessment at any time of the year, s. 338, V of 1876 733
publication of revised assessment, s. 339, V of 1876 733
if punchayet refuse to act, Magistrate may assume their functions, s. 340, V of 1876... 734
duration of punchayet and re-appointment of members, s. 341, V of 1876 734
when Magistrate may remove member of punchayet, s. 342, V of 1876 ... 734
when Magistrate may fill vacancy in punchayet, s. 343, V of 1876 ... 734
appointment and duties of sudder punchayet, s. 344, V of 1876 ... 734
Magistrate may appoint tax collectors, &c., to assist punchayet, s. 345, V of 1876 734
Magistrate to take security from tax Collector, s. 345, V of 1876 ... 735
collection of assessment, s. 346, V of 1876 735
recovery of assessment, s. 347, V of 1876 735
Part V of Chapter II of Bengal Municipal Act applicable to, s. 348, V of 1876 735
Chapters I and V of Bengal Municipal Act applicable to, s. 350, V of 1876 736

VACCINATION—
Bengal Act IV of 1865 may be extended to places where there are proper arrangements for, s. 3, IV of 1865 ... 55
municipal funds may be spent on, s. 61, V of 1876 669

VAKIL—
not to be heard in proceeding under Chota Nagpore Tenures' Act, without consent of Special Commissioner, s. 21, II of 1869 171

VALUATION—
under Road Cess Act, see ROAD CESS.
of holdings in Mofussil municipalities, s. 88, V of 1876 676
of houses and land in Calcutta, s. 109, IV of 1876... 577
of immoveable property under Provincial Public Works' Act, s. 3, II of 1877 847

VALUATION ROLLS—
under Road Cess Act, ss. 16, 17, X of 1871 ... ...331, 332

VAULT—
not to be made in church, etc., without municipal license, s. 305, IV of 1876 622

VEGETATION—
power to clear noxious, s. 32, IV of 1871, *and* s. 204, V of 1876 ...296, 702

VENTILATION—
of sewers and drains, ss. 226, 227, IV of 1876 603

VERANDAH—
in public street, s. 210, IV of 1876 ... 599

VESSEL—
for carrying emigrants, see EMIGRATION TO LABOR DISTRICTS.
definition of, in Canal Act, s. 1, V of 1864 29
toll to be paid in respect of, s. 5, V of 1864 30
sale of, for non-payment of toll, s. 31, V of 1864 31
rules for, under Canals' Act, s. 11, V of 1864 32

VESSEL—(*contd.*)
removal of sunken, s 13, V of 1864 ... 38
search of, for inflammable oil, s. 12, III of 1865... 53
of more than ten tons burden, to have sufficient crew on board, s. 2, III of 1867 139
when may be exempted from maintaining full crew, ss. 2, 5, III of 1867 ... ... 139, 140
definition of, in Port Commissioners' Act, s. 1, V of 1870 239
sea-going, to load and unload at Port Commissioners' wharves, s. 62, V of 1870 255
inland, to load and unload at places provided by Port Commissioners, s. 64, V of 1870 256
sale of, for non-payment of Port Commissioners' dues, s. 74, V of 1870 ... 261
sale of furniture of, to cover loss caused by damage done by, s. 76, V of 1870 262
wrecked, may be raised by Port Commissioners, s. 3, III of 1872 ... 369
definition of, in Labor Districts Emigration Act, s. 3, VII of 1873 ... 430

VICE-CHAIRMAN—
of Port Commissioners, see PORT COMMISSIONERS.
of district road cess committees, see ROAD CESS COMMITTEES, DISTRICT ROAD FUND.
of Calcutta Municipal Commissioners, see COMMISSIONERS OF CALCUTTA MUNICIPALITY.
of Mofussil Municipal Commissioners, see COMMISSIONERS OF MOFUSSIL MUNICIPALITIES.
of Ward Committee, see WARD COMMITTEES.

VILLAGE, see VILLAGE CHOWKEEDARS, PUNCHAYET.

VILLAGE CHANNEL—
definition of, s. 3, III of 1876 ... 516
See IRRIGATION.

VILLAGE CHOWKEEDARS—
number to be appointed in each village, s. 11, VI of 1870 274
salaries of, s. 12, VI of 1870 ... 274
punchayet to appoint and dismiss, s. 35, VI of 1870... 277
to receive from punchayet a certificate, which is to be registered at Police Station, s. 36, VI of 1870 ... 277
may be dismissed by Magistrate for neglect of duty, s. 37, VI of 1870 ... 278
may be fined by Magistrate for wilful misconduct, s. 38, VI of 1870 ... 278
duties of, enumerated, s. 39, VI of 1870 278
may take person arrested to Police Station, s. 40, VI of 1870 ... 279
punchayet to exercise general control over, s. 41, VI of 1870... ... 279
to receive salary monthly from collecting member of punchayet, s. 43, VI of 1870 279
may apply to the Magistrate for payment of his salary, s. 44, VI of 1870 279
realization of salary by Magistrate, s. 45, VI of 1870 279
offences to be reported by, schedule B, VI of 1870... 285

VILLAGE POLICEMEN, see HAZARIBAGH AND LOHARDUGGA RURAL POLICE.

VILLAGERS—
who have given security for famine loans may recover from persons liable to pay, s. 2, IV of 1875 ... 477

VOTE—
of a company, s. 10, IV of 1876 549
Chairman may give additional, where there is an equality of votes, s. 16, IV of 1876... 550
to be given by voting paper, s. 17, IV of 1876 551
See ELECTION OF CALCUTTA CORPORATION.

VOTER—
when entitled to vote in one ward, s. 8, IV of 1876 548
when entitled to vote in more than one ward, s. 9, IV of 1876... ... 549
registration of, s. 18, IV of 1876 ... 551
See ELECTION OF CALCUTTA CORPORATION.

VOTES—
at meeting of Port Commissioners, s. 28, V of 1870 246
at meeting of Hooghly and Burdwan Drainage Commissioners, s. 9, V of 1871 303
at meeting of district road cess committee, s. 60, X of 1871 ... 341
at meeting of Calcutta Corporation, s. 52, IV of 1876 562
See ELECTION OF CALCUTTA CORPORATION.

VOUCHERS—
auditors of Port Commissioners' accounts may require production of, under penalty, s. 53, V of 1870 ... 252
members of district road cess committee may require production of, s. 88, X of 1871 347

VOYAGE—
of steam vessel, certificate of survey and declaration required for, s. 5, V of 1862 3

WAGER—
playing for, in common gaming-house, punishable, s. 26, II of 1866, *and* s. 45, IV of 1866 ... 76, 101

WAGES—
of laborer, recovery of arrears of, s. 134, VII of 1873 465

WAGES—(*contd.*)
laborers' contract may be cancelled, if they are in arrear, s. 135, VII of 1873 466

WARD, see COURT OF WARDS.

WARD COMMITTEES—
Mofussil Municipality may be divided into, s. 50, V of 1876 667
appointment and election of members of, s. 50, V of 1876 667
rules for election of members of, s. 51, V of 1876 667
election of Chairman and Vice-Chairman of, s. 52, V of 1876 ... 667
delegation of municipal powers to, s. 53, V of 1876 667
business and establishments of, s. 54, V of 1876 667
removal, resignation, and appointment of members of, s. 55, V of 1876 ... 667
liability of members of, s. 56, V of 1876 667
members of, interested in contract made with municipality, to vacate office and be liable to fine, s. 57, V of 1876 668
members of, disqualified from voting on questions which regard themselves, s. 58, V of 1876 ... 668

WARDS—
for Calcutta municipal election, s. 13, IV of 1876 550
See ELECTION OF CALCUTTA CORPORATION, VOTE.

WAREHOUSE—
for manufacture of salt, s. 10, VII of 1864 43
for salt, inspection of, s. 23, VII of 1864 46
may be erected by Port Commissioners, s. 39, V of 1870 249

WARRANT—
issue of, under Salt Act, s. 27, VII of 1864 47
under Salt Act, to have effect of search-warrant under Code of Criminal Procedure and Calcutta Police Act, s. 27, VII of 1864 ... 47
issue of, for search for inflammable oil, s. 12, III of 1865 53
issue of, for search for clothing, etc., of Police officer, s. 9, II of 1866, *and* s. 15, IV of 1866 ... 72, 95
for entry into and search of common gaming-house, s. 27, II of 1866, *and* s. 46, IV of 1866 ... 77, 101
for search for gunpowder, s 37, II of 1866, *and* s. 60, IV of 1866 79, 104
for apprehension and custody of witness summoned before Bengal Council, s. 3, III of 1866 86
execution of, by Police officer, s. 25, IV of 1866... ... 96, 97
for search for suspected stolen property, s. 79, IV of 1866 ... 110
power to search for stolen property without, s 80, IV of 1866 ... 111
certain offenders under Irrigation Act may be taken into custody without, s. 96, III of 1876 540
for seizure and sale of property for municipal dues, s. 122, IV of 1876 580
of distress and sale under Bengal Municipal Act, s. 112, V of 1876 ... 682
by Collector to excise officer to enter shop, s. 37, VII of 1878 ... 881
by Collector to excise officer, to stop persons carrying exciseable articles, s. 38, VII of 1878 881
by Collector for arrest or search under Excise Act, ss 46, 47, VII of 1878 883
not to be issued by Collector to Police officer, s. 42, VII of 1878 ... 882
not to be issued by Commissioner of Police to excise officer, s. 42, VII of 1878 882

WASTE—
of water in village-channel, who liable for, s. 80, III of 1876 536
of water in village-channel, penalty for not preventing, s. 93, III of 1876 538
of water, penalties for causing in Calcutta, ss. 141, 142, IV of 1876 584, 585

WASTE LANDS—
return of, under Road Cess Act, s. 9, X of 1871 329

WATER—
supply of, to slaughter-houses and meat markets, s. 3, VII of 1865 ... 59
See IRRIGATION, WATER-SUPPLY.

WATER-CLOSET—
may be provided with filtered or unfiltered water, s. 134, IV of 1876 ... 583
to be provided with cistern, s. 135, IV of 1876 583

WATER-COURSE—
definition of, s. 3, VI of 1873 ... 382
construction of, s. 4, VI of 1873 ... 384
engineer may call on manager of railroad to make under railroad, s. 19, VI of 1873 387
power to make temporary, s. 20, VI of 1873 387
rule as to, in partition cases, s. 109, VIII of 1876 831

WATER-GAUGE—
penalty for destroying or defacing, s. 93, III of 1876 538

WATER-RATE—
chargeable for canal water, s. 78, III of 1876 535
recoverable as rent, s. 83, III of 1876 536
arrear of, deemed to be a demand, s. 85, III of 1876 537
not to exceed six per cent. in certain cases and five per cent. in others, s. 88, IV of 1876 571

WATER-RATE—(*contd*)
payable by occupier, s. 39, IV of 1876 571
dates on which payable, s. 89, IV of 1876 572
refund of, when house is vacant, s. 93, IV of 1876 572
occupier may deduct one-fourth of, from rent due to owner, s. 98, IV of 1876 573
owner to pay one-fourth of, when house is vacant, s. 99, IV of 1876 574
when may be imposed on owner, s. 100, IV of 1876 574
owner who has paid, may recover three-fourths from occupier, s. 101, IV of 1876 574
application of, s. 16, IV of 1876 ... 589

WATER-SUPPLY—
employer bound to provide laborer with, s. 113, VII of 1873 ... 458
compensation for stoppage or diminution of, s. 11, III of 1876 ... 519
compensation for interruption of, s. 76, III of 1876 ... 534, 535
of Calcutta, Corporation bound to maintain, ss. 27, 129, IV of 1876 555, 581
for domestic purposes, s. 130, IV of 1876 582
pressure at which water must be kept, s. 131, IV of 1876 582
for non-domestic purposes, s. 132, IV of 1876 582
occupier entitled to how much water, s. 133, IV of 1876 582
for latrines and water-closets, s. 134, IV of 1876 583
water to be laid on at house-holder's expense, s. 136, IV of 1876 ... 583
works for laying on water must be approved by the municipal authorities, s. 137, IV of 1876 ... 583
municipal officers may inspect works, s. 138, IV of 1876 584
water may be turned off, if municipal officer is refused admittance, s. 138, IV of 1876 584
water may be turned off, if works are out of repair, s. 139, IV of 1876 ... 584
water may be turned off, if rate is not paid, s. 140, IV of 1876 ... 584
persons residing outside the town may be supplied with water for domestic use, s. 143, IV of 1876 ... 585
inspection of works before connection with service pipes is made, s. 145, IV of 1876 585
connection with service pipes to be made only by municipal officer, s. 147, IV of 1876 586
occupier may require owner to execute works, s. 150, IV of 1876 ... 586
occupier must pay interest on cost of works, s. 150, IV of 1876 ... 586
in default of owner, occupier may execute works and deduct cost from rent, s. 151, IV of 1876 ... 587
number of taps to be provided in house and on premises, s. 152, IV of 1876 587
owner to keep works in repair, s. 156, IV of 1876 588

WEIGHTS—
Commissioner of Police to keep standard weights in his office, s. 55, IV of 1866 103
Police officer may seize false, s. 56, IV of 1866 103

WELLS—
rate as to, in partition cases, s. 109, VIII of 1876 831

WHARVES—
definition of wharf in Port Commissioners' Act, s. 1, V of 1870 ... 239
may be erected by Port Commissioners, s. 39, V of 1870 249
penalty on person other than Port Commissioners erecting, s. 56, V of 1870 253
Port Commissioners may remove if not erected by themselves, s. 57, V of 1870 253
portion of, to be set apart for customs' officers, s. 58, V of 1870 ... 253
set apart for customs' officers, dues for, s. 59, V of 1870 254
Port Commissioners to declare ready for receiving goods, s. 62, V of 1870 ... ... 254, 255
of Port Commissioners, vessels may be compelled to load and unload at, under penalty, s. 62, V of 1870 ... 255
of Port Commissioners, all vessels to unload at, under penalty, s. 63, V of 1870 255
inland vessels to load and unload at, under penalty, s. 64, V of 1870 ... 256
scale of tolls for use of, s. 65, V of 1870 257
procedure in case of damage done to, s. 76, V of 1870 261
penalty for depositing dirt on, s. 77, V of 1870 262
Port Commissioners' bye-laws for regulating, s. 82, V of 1870 .. 264
bye-laws and tables of tolls to be hung up at, s. 86, V of 1870 ... 264

WHIPPING—
of prisoner in jail, s. 4, V of 1865 ... 57
not to be inflicted on female prisoner, s. 4, V of 1865 57

WHOLESALE—
sale by, defined, s. 15, VII of 1878 ... 876
See EXCISE.

WILD ANIMALS—
Mofussil municipal authorities may offer rewards for destruction of, s. 231, V of 1876 708

WITNESS—
giving evidence about gambling, may be indemnified, s. 30, II of 1866, *and* s. 50, IV of 1866 ... 78, 102

WITNESS—(*contd.*)
may be summoned before Bengal Council by Lieutenant-Governor, s. 1, III of 1866 85
oath may be administered to such witness, s. 2, III of 1866 86
penalty on such witness, if he fails to appear or refuses to answer questions or produce books, s. 3, III of 1866 86
expenses of such witness, s. 4, III of 1866 ... ...86, 87
power to summon, under Survey Act, s. 50, IV of 1875 498

WORKS—
of Port Commissioners, sanction necessary for, s. 35, V of 1870 247, 248
nature of new works which can be constructed by Port Commissioners, s. 39, V of 1870 ... 248, 249

WRECK—
may be raised by Port Commissioners, s 3, III of 1872 369
sale of, by Port Commissioners, s. 4, III of 1872 369

YEAR—
definition of, in Bengal Municipal Act, s. 6, V of 1876 656

ZEMINDAR—
liability of, under Hazaribagh and Lohardugga Rural Police Act, see HAZARIBAGH AND LOHARDUGGA RURAL POLICE.
tender of rent to, by ryot, s. 4, VI of 1862, *and* s. 46, VIII of 1869 10, 192
payment into Court by ryot to have effect of payment to, s. 4, VI of 1862, *and* s. 46, VIII of 1869... 10, 192
liable to pay for maintenance of zemindary dak, s. 3, VIII of 1862 ... 18
auction-purchaser of under-tenure to register in books of, s. 17, VIII of 1865 65
may apply for commutation of services of Bhuinhari lands in Chota Nagpore, s 9, II of 1869 169
prohibited from compelling attendance for adjustment of rent, s. 12, VIII of 1869 182
to admit to registry transfer of talook, s. 26, VIII of 1869 186
auction-purchaser of under-tenure sold under Rent Act to register in books of, s. 67, VIII of 1869 198
definition of, in Village Chowkeedaree Act, s. 1, VI of 1870 272
chowkeedaree chakran lands to be transferred to, ss. 48, 51, VI of 1870 280
liability to report crimes not diminished by Village Chowkeedaree Act, s. 66, VI of 1870 283
definition of, in Embankment Act, s. 3, VI of 1873 382
expenses under Embankment Act to be paid by, s. 40, VI of 1873 ... 394
may recover from proprietor of tenure sums payable under Embankment Act, s. 40, VI of 1873 ... 394
definition of, in Survey Act, s. 2, IV of 1875 482
bound to preserve boundary marks on his estate, s. 19, IV of 1875 488
failing to appear, not entitled to object to apportionment of expenses of erecting boundary marks, s. 28, IV of 1875 491
failing to give in list of tenures not entitled to recover apportionment from tenure-holders, s. 28, IV of 1875 491
liability of joint zemindars under Survey Act, s. 47, IV of 1875 ... 497

ZEMINDARY DAK—
to be managed by Magistrate of the district, s. 2, VIII of 1862 ... 18
raising of funds for maintenance of, s. 3, VIII of 1862 18
not to be maintained where there is a Government post, s. 4, VIII of 1862 18
powers of Chief Commissioner of Assam with reference to ... 18
apportionment of sum for service of, s. 5, VIII of 1862 19
exemption from liability to pay for, s. 8, VIII of 1862 19
payment and recovery of charges, s. 9, VIII of 1682 19
disposal of surplus funds, s. 10, VIII of 1862 20
not to affect contract between zemindar and person holding under him, s. 12, VIII of 1862 20
Government may frame rules for, s. 11, VIII of 1862 20
appeal against apportionment of charges, s. 7, VIII of 1862 ... 19
putneedars still liable to pay charges for 20
suit for charges of, not cognizable under Act X of 1859 20

ZENANA—
inspection of, under Pooree Lodging-house Act, s. 10, IV of 1871 ... 292
entry into, for inspection of water works, must be preceded by notice, s. 138, IV of 1876 584
entry into, for inspection of drains, must be preceded by notice, s. 231, IV of 1876... 605
entry into, by officer executing warrant under Bengal Municipal Act, s. 114, V of 1876 683
search for exciseable articles unlawfully concealed in, s. 51, VII of 1878 884

ZILLAH—
limits of, may be altered by Lieutenant-Governor, IV of 1864 ... 28

APPENDIX.

Containing Regulations relating to territories subject to the Bengal and Assam Governments which have been framed under 33 Vic., cap III.

REGULATION No. III. OF 1872.

A Regulation for the peace and good government of the territory known as the Sonthal Pergunnahs.

(*Published in the Gazette of India of 4th May* 1872, *p.* 468, *and in the Calcutta Gazette of 8th May* 1872, *p.* 2056.)

Title.

1. This Regulation may be called "The Sonthal Pergunnahs' Settlement Regulation."

Extent and commencement.

2. It extends to the whole of the Sonthal Pergunnahs as described in the schedule attached to Act X of 1857 and in the notification of the Governor-General in Council, No. 478, dated 12th March 1872. It shall come into force on the first day of May 1872. It shall be read with Act XXXVII of 1855 and Act X of 1857.

Enactments in force in Sonthal Pergunnahs.

3. Subject to the provisions of this Regulation, the Regulations and Acts mentioned in the schedule annexed to this Regulation, or such portions of them as are unrepealed, shall be deemed to be in force in the Sonthal Pergunnahs. No other Regulations or Acts shall be deemed to be in force in the Sonthal Pergunnahs except so far as regards the trial and determination of the civil suits mentioned in section 2, Act XXXVII of 1855, in which the matter in dispute exceeds the value of Rs. 1,000, when such suits are tried in the Courts established under Act VI of 1871.

Lieutenant-Governor may declare enactments to be in force in Sonthal Pergunnahs.

In addition to the Regulations and Acts mentioned in the schedule, the Lieutenant-Governor of Bengal may, by a notification in the *Calcutta Gazette* direct that any other Bengal Regulation, or any other Act passed by the Governor-General of India in Council, or by the Lieutenant-Governor of Bengal in Council, or any part of any such Regulation or Act, shall have force and effect in the Sonthal Pergunnahs, and may, by a similar notification, declare that any Regulation or Act, or part of a Regulation or Act, which may have been, or may be, introduced by him, shall no longer have force and effect in the Sonthal Pergunnahs.

Lieutenant-Governor may invest officer with powers of a Civil Court.

4. The Lieutenant-Governor of Bengal may, by notification in the *Calcutta Gazette*, invest any competent officer in the Sonthal Pergunnahs with the powers of any Civil Court established under Act VI of 1871, and may exclude the whole or any part of the said Pergunnahs from the jurisdiction of any of the Courts established under the said Act now having jurisdiction therein. Nothing in sections 3 to 9 (inclusive), 32, 33, and 34 of the said Act applies to any officer invested with the powers of a Court under this section; but all the other provisions of the said Act apply, *mutatis mutandis*, to officers so invested.

Suits for land.

5. Till such time as a settlement of the whole or any part of the Sonthal Pergunnahs shall be made under the rules hereinafter provided, and the said settlement shall be declared by a notification in the *Calcutta Gazette* to have been completed and concluded, no suit shall lie in any Court established under the said Act VI of 1871 in regard to any land or any interest in or arising out of any land, or for the rent or profits of

any land, or regarding any village-headship or other office connected with the land, except as hereinafter provided; but such suits shall be heard and determined by the officers appointed by the Lieutenant-Governor of Bengal under section 2 of the said Act XXXVII of 1855, or by the Settlement Officers hereinafter mentioned, according as the said Lieutenant-Governor shall from time to time direct. Provided that, if it shall appear to any officer empowered to try any such suit to be just and expedient that such suit, or that any issue arising in such suit, should be tried by the Court established under the said Act VI of 1871 which would have had jurisdiction if this provision had not been made, he may (subject to the direction and control of the officers to whom he is subordinate), either on the prayer of the parties or on his own motion, make a certificate to that effect and transfer the record, if any, to the said Court. On the receipt of such certificate the said Court may proceed to try and determine such suit or issue under the same rules and in the same manner as if the suit had been originally instituted therein. On the decision of such suit or issue the Court shall certify its decision to the officer by whom the certificate was made, who shall thereupon apply or execute such decision.

Usury.

6. All Courts having jurisdiction in the Sonthal Pergunnahs shall observe the following rules relating to usury, namely:—

(*a.*) interest on any debt or liability for a period exceeding one year shall not be decreed at a higher rate than two per cent. per mensem, notwithstanding any agreement to the contrary, and no compound interest arising from any intermediate adjustment of account shall be decreed:

(*b.*) the total interest decreed on any loan or debt shall never exceed one-fourth of the principal sum, if the period be not more than one year, and shall not in any other case exceed the principal of the original debt or loan.

Certain agreements not liable to stamp.

7. Agreements between cultivators or headmen of villages and the persons to whom rent is payable by them, respecting such rent or regulating their respective rights in the land for which such rent is payable, shall not be liable to any stamp.

Court Fees Act when not applicable.

8. The Court Fees Act, 1870, shall not be applicable to any suit or other proceeding before any officer making a settlement, or before any officer appointed under Act XXXVII of 1855, and regarding any matter which he is authorized to adjudicate in anticipation of settlement under section twenty-six of this Regulation

Settlement may be made.

9. The Lieutenant-Governor may, by notification in the *Calcutta Gazette*, declare that a settlement shall be made of the whole or any part of the Sonthal Pergunnahs for the purpose of ascertaining and recording the various interests and rights in the lands.

Appointment of officers to make settlement.

10. The Lieutenant-Governor may appoint the officers by whom the settlement is to be made, and may invest any officer or officers with the control over them by way of appeal and revision, and may make rules for the procedure of such officers in the investigation into rights in the land and the hearing of suits, and generally for the guidance of such officers. The Lieutenant-Governor may reserve to himself an ultimate power of revision in respect of any cases decided in any Settlement Court.

Suit in Civil Court when not to lie.

11. Except as provided in section twenty-five, no suit shall lie in any Civil Court regarding any matter decided by any Settlement Court under these rules; but the decisions and orders of the Settlement Courts made under these rules, regarding the interests and rights above-mentioned, shall have the force of a decree of Court.

Inquiry into landed rights.

12. The Settlement Officers shall have power to inquire into, to decide and to record the rights of the zemindars and other proprietors, the rights of the tenants or ryots, the rights of the manjhis or other headmen as against both the proprietors and the tenants, and also any other landed rights to which, by the law or custom of the country or of any tribe, any person may have legal or equitable claim. Provided that no claim shall be heard to any rights or interests of which the claimant has not held possession either himself or through persons from whom he claims at some time since the first day of January 1859.

Contents of record-of-rights.

13. The record-of-rights to be prepared by a Settlement Officer shall show the nature and incidents of each right and interest held by each class of occupiers or owners in a village; or, if need be, of each individual owner, occupier, or headman in a village.

Record-of-rights.

14. The Settlement Officer shall give due notice to the people of a village for which he is about to prepare a record-of-rights, so that all persons interested may bring forward their claims either in writing or by verbal application. But the Settlement Officer shall inquire into, settle, and record all rights in, or claims to, the lands of a village of which he is preparing a record-of-rights, even though such claims or rights may not be urged by the parties interested.

Demarcation of excess waste.

15. The Settlement Officer shall demarcate and define the boundaries of each village, and, when doing so, he may exclude from such village any large area of waste or forest which may be beyond the reasonable requirements of the village: provided that no block of waste-land or forest of which the people of the village have hitherto had the use shall be excluded from such village if before such exclusion one-third of the total area of the village is cultivated or is fallow in due course of agricultural rotation, according to the practice of the country. The exclusion of any waste land from any village under this provision shall not affect any proprietary rights in the land, but such rights shall remain intact.

Review of decision regarding rights of manjhis.

16. Any decision regarding the rights of the manjhis or other village-headmen, passed by any officer appointed under Act XXXVII of 1855, which may on due enquiry be found by the Settlement Officer to have been passed under a misapprehension as to the laws in force in the Sonthal Pergunnahs, or without sufficient enquiry into, and regard for, the customs of the country and of the people, may be reviewed and modified by such Settlement Officer.

Manjhis or village-headmen.

17. In deciding the status, rights, and claims of manjhis or other village-headmen, the Settlement Officer shall have regard to the following rules :—

(*a*) Any manjhi or other headman of a village, who may have lost his office, or the management of his village, for whatever cause, or in whatever manner, on any date after the thirty-first December 1858, shall be eligible for reinstatement in such headship, and in the lease or management of the village, if he has a fair and equitable claim thereto:

(*b*) No claim to be recorded as mánjhí or headman with an occupancy-right in the lease or management of a village shall be conclusively shut out by reason of the claimant having been described as a mustájir or farmer in any deed to which such claimant may have been a party:

(*c*) If the rent now payable by any mánjhí or headman of a village appear to the Settlement Officer inequitable, by reason that such person has rights independent of contract, or that he was not in a position fairly and freely to contract, the Settlement Officer may modify and abate such rent and fix a fair and equitable rent. If the rent appears to the Settlement Officer to be too low, he may

enhance such rent either immediately or prospectively on the termination of any existing agreement. The rent payable by any mánjhí, farmer, or other headman of a village, shall be determined on a consideration of the rates of rent payable in the neighbourhood, and of the number of ploughs at work in the village, and of such other matters as may appear to the Settlement Officer to afford ground for an equitable decision. If necessary, the cultivated and uncultivated land in such village may be measured.

Rights of ryots or occupiers

18. In deciding the status, rights, and claims of ryots or occupiers, the Settlement Officer shall have regard to the following rules:—

(*a*) Any ryot who may, either himself or through persons from whom he inherits, have held fields in a village for a period of twelve years shall be deemed to have occupancy-rights in such fields:

(*b*) Any ryot who, having possessed a right of occupancy or an equitable claim to occupancy, has lost possession of his land or any portion of his land since the thirty-first day of December 1858, may claim to be replaced in possession of such land, and to be recorded as possessing occupancy-rights therein, if, in the opinion of the Settlement Officer, he is justly entitled thereto:

(*c*) Any ryot who has exchanged fields for other fields in the same village shall be held to have acquired an occupancy-right in the fields taken in exchange in the same manner as if no exchange had taken place:

(*d*) Where ryots holding lands under a mánjhí or other headman of a village pay their share of the village-rent according to any fixed custom or proportion, or where the share of rent payable by each ryot is fixed annually or periodically by the village Elders or in any other way, the existence of such custom shall be recorded:

(*e*) When the ryots of any village pay rent either direct to the proprietor or to his agent, or to any farmer, or to a mánjhí, the Settlement Officer shall record such rents if they are fair and equitable. If such rent appear to the Settlement Officer to be unfair and inequitable, he shall inquire into and shall re-settle such rents; and he may make such re-settlement of rents, either according to the number of ploughs owned by each ryot, or according to the area of the cultivated land held by him, or in any other manner which may be customary and equitable.

Term for rents.

19. The rents of both headmen and ryots, when adjusted and recorded by the Settlement Officer, shall remain unchanged for not less than seven years from the time of such adjustment and record, and thenceforward until a fresh settlement or agreement be made.

Special considerations in adjusting rents.

20. In adjusting rents as between proprietors and mánjhís or other headmen, and between proprietors, farmers, or headmen, and ryots, the Settlement Officer may, in connection with other circumstances, have regard to the agricultural skill and habits of life of the class or tribe to which the rent-payers may belong.

Settlement of suit when land has been reclaimed from forest or waste.

21. In any case in which the headmen or the ryots or the persons through whom they claim reclaimed the land from forest or waste, regard shall be had to such fact in settling the rents.

Instalments of rent.

22. The Settlement Officer shall decide, and shall enter in the village record-of-rights, the several instalments of yearly rent and the dates on which such instalment shall be payable by the ryots and by the mánjhís or headmen. If the number and dates of the existing instalments press hardly upon the people of any village, the Settlement Officer shall have power to reduce the number and alter the dates of such instalments. The amount and dates of the instalments shall remain unaltered until otherwise ordered by the Lieutenant-Governor.

Record of village-customs.

23 For every village shall be drawn up a paper setting forth the custom of the village or tribe in regard to the following facts :—

(*a*) the existence of the office of mánjhí or other village-headship and the duties and emoluments of each headman, and the customs of succession to the headship by inheritance, election or otherwise :

(*b*) the removal or suspension of a headman for misconduct, and the appointment or election to a vacant headship :

(*c*) the devolution of the lands held by proprietors or under-proprietors or headmen or cultivated by ryots, any custom contrary to the ordinary Hindu or Muhammadan law being noted :

(*d*) the tenure of houses in the village, and the payment of ground-rents and dues by non-cultivating residents :

(*e*) the duties and dues of village-watchmen and other village-servants and their succession to, and removal from, office :

(*f*) the management and usufruct of the waste-land, and other matters relating to the internal arrangement of villages.

Publication of record-of-rights.

24. After the Settlement Officer shall have made the record-of-rights for any village, he shall notify and publish the contents of such record to the persons interested by posting it conspicuously in the village and otherwise in such manner as may be convenient. Any person interested shall thereupon be allowed to bring forward in the original or appellate Settlement Courts any objection he may desire to make to any part of such record : and the objection so made shall be inquired into and disposed of by a decision in writing under the hand of the officer presiding in the Court before which such objection may be urged or brought on appeal or otherwise.

Objections against such record.

Record to be final after a year's publication.

25. After a period of a year from the date of the publication of the record-of-rights of any village, such record shall be conclusive proof of the rights and customs therein recorded, other than the rights mentioned in the latter part of this section, except so far as concerns entries in such record regarding which objections by parties interested may still be pending. When a record-of-rights shall have become final, or an objection to any entry in a record-of-rights shall have been finally disposed of by the Settlement Courts, such record shall not be re-opened or modified, save as provided by the customs of the village, without out the previous sanction of the Lieutenant-Governor of Bengal. But in case of the discovery of material error, it shall be lawful for the said Lieutenant-Governor to direct, by a writing under his hand, that the record of any village shall be revised.

Jurisdiction of Civil Courts.

The Courts established under Act VI of 1871 are empowered to find and determine the rights of zemindars and other proprietors as between themselves, if any suit affecting such rights be pending at the time when this Regulation shall come into operation, or if a suit or issue be referred to the Court under the provisions of section five or if a suit be brought to contest the finding or record of the Settlement Officer within three years from the date of the said publication or of the final order of the Revenue Court. But no such suit shall be brought in any Court after the expiration of three years from such date. If in any such suit it shall be found that the finding of the Settlement Officer is erroneous, the record shall be amended accordingly.

District officers may take up land-cases,

26. Pending the completion of a settlement under this Regulation, the officers of the Sonthal Pergunnahs appointed under section 2, Act XXXVII of 1855, may, if the Lieutenant-Governor shall so direct, take up and decide under this Regulation, either on their own motion or at the request of the parties, any suit for rent or arrears of rent, or any claim for enhancement or abatement of rent, or any complaint of exaction or improper ouster from land or offices. Deci-

sions regarding rates of rent or the possession of land or offices passed by these officers under this section shall remain in force until such time as the record-of rights for the village or villages to which such decision may refer shall be prepared.

and pass provisional orders.

The said officers shall also have power to pass such provisional orders as they may deem required for the maintenance of peace and order in the Sonthal Pergunnahs on all matters referred to in sections five, nine, ten, and twelve to twenty-four of this Regulation: all such provisional orders shall have the force of a decision of Settlement Officers under these Regulations until such time as the record-of-rights shall have been prepared, or the matter shall have been decided by a Settlement Court.

SCHEDULE OF REGULATIONS AND ACTS IN FORCE IN THE SONTHAL PERGUNNAHS SO FAR AS THEY ARE UNREPEALED.

(*See section* 3)

Regulations of the Bengal Code.

I of 1793	I of 1801	XII of 1817
VIII of 1793	X of 1804	III of 1818
XIV of 1793	XI of 1806	I of 1819
XIX of 1793	XVII of 1806	II of 1819
XXXVII of 1793	XX of 1810	VIII of 1819
XXXVIII of 1793	XI of 1811	I of 1820
XLVIII of 1793	V of 1812	VII of 1823
III of 1794	XI of 1812	VI of 1825
XV of 1797	XVIII of 1812	XI of 1825
I of 1798	XIX of 1814	XIII of 1825
VII of 1799	XXIX of 1814	XIV of 1825
VIII of 1800	V of 1817	XVII of 1829

Acts of the Governor-General of India in Council.

XX of 1836	XIII of 1857	V of 1869
XXI of 1836	III of 1858	XV of 1869
IV of 1837	XXXI of 1858	XVIII of 1869
XI of 1838	V of 1859	XX of 1869
XII of 1841	XI of 1859	XXI of 1869
V of 1843	XIV of 1859	VII of 1870
IX of 1847	VIII of 1860	X of 1870
XX of 1848	IX of 1860	XIII of 1870
XII of 1850	XXIII of 1860	XX of 1870
XVIII of 1850	XXXI of 1860	XXI of 1870
XXI of 1850	XLV of 1860	XXIII of 1870
XXV of 1850	XVI of 1863	XXVII of 1870
XXXIII of 1850	III of 1864	III of 1871
XXXIV of 1850	XV of 1864	V of 1871
XXXVII of 1850	III of 1865	VII of 1871
VIII of 1851	V of 1865	VIII of 1871
V of 1852	X of 1865	IX of 1871
II of 1853	XI of 1865	XII of 1871
VI of 1853	VI of 1866	XXIII of 1871
XVIII of 1854	XIV of 1866	XXIV of 1871
XIII of 1855	XXI of 1866	XXV of 1871
XXIV of 1855	VII of 1867	XXVI of 1871
XXVI of 1855	XXIV of 1867	I of 1872
XXVII of 1855	XXV of 1867	III of 1872
XI of 1856	XXXI of 1867	VIII of 1872
XV of 1856	I of 1868	IX of 1872
XXI of 1856	II of 1869	X of 1872
X of 1857	IV of 1869	XI of 1872

Acts of the Lieutenant-Governor of Bengal in Council.

III of 1862	VII of 1864	V of 1867
VII of 1862	IV of 1865	IV of 1868
VIII of 1862	V of 1865	VIII of 1868
II of 1864	VIII of 1865	II of 1870
IV of 1864	III of 1866	

REGULATION No. V OF 1873.

A Regulation for the peace and government of certain Districts on the Eastern Frontier of Bengal.

(*Published in the Gazette of India of 16th August* 1873, *p.* 733, *and in the Calcutta Gazette of 27th August* 1873, *p.* 1000.)

Preamble.

WHEREAS the Secretary of State for India in Council has by Resolution in Council declared the provisions of Act 33 Vic., cap. 3, section 1, to be applicable to the Districts of Kámrup, Durrung, Nowgong, Sibságar, Lakhimpur, Gáro Hills, Khási and Jaintia Hills, Nágá Hills, Cachar, and Chittagong Hills;

and whereas the Lieutenant-Governor of Bengal has proposed to the Governor-General in Council a draft of the following Regulation, together with the reasons for proposing the same, for the peace and government of the said Districts;

and whereas the Governor-General in Council has taken such draft and reasons into consideration, and has approved of such draft, and the same has received the Governor-General's assent;

the following Regulation is now published in the *Gazette of India*, and will be published in the *Calcutta Gazette*, and will thereupon have the force of law, under the thirty-third of Victoria, chapter 3.

Extent and commencement.

1. This Regulation shall extend to the Districts named in the preamble, and shall come into force on the first of November 1873.

This Regulation is repealed by Regulation I of 1876, so far as regards the Gáro Hills District.

"The Inner Line."

2. It shall be lawful for the local Government of Bengal, with the previous sanction of the Governor-General in Council, to prescribe, and from time to time to alter, by notification in the *Calcutta Gazette*, a line to be called "The Inner Line" in each or any of the above-named Districts.

The local Government may, by notification in the *Calcutta Gazette*, prohibit all British subjects, or any class of British subjects or any persons residing in or passing through such Districts from going beyond such line without a pass under the hand and seal of the Chief Executive Officer of such District, or of such other officer as he may authorize to grant such pass; and the local Government may from time to time cancel or vary such prohibition.

Penalty for unlawfully going beyond the Inner Line.

3. Any British subject or other person so prohibited, who, after "The Inner Line" has been prescribed and notified in accordance with section two of this Regulation, goes beyond such line without a pass, shall be liable on conviction before a Magistrate to a fine not exceeding Rupees 100 for the first offence, and to a fine not exceeding Rupees 500, or to simple or rigorous imprisonment for a term not exceeding three months, or to both, for each subsequent offence.

Form of pass and penalty for breach of its conditions.

4. The local Government may from time to time prescribe by notification in the *Calcutta Gazette* a form of pass for each district, and may in such form fix such restrictions or conditions as the local Government may deem fit, and may require the

payment of such dues and fees for such passes as to the Local Government may seem proper. Any holder of such a pass shall, on breach of any such restriction or condition, be liable on conviction to a fine not exceeding Rupees 100 for a first offence, and to a fine not exceeding Rupees 500, or to simple or rigorous imprisonment, which may extend to three months, or to both, for each subsequent offence.

Confiscation of certain articles found in possession of convicted persons.

5. Any rubber, wax, ivory, or other jungle-product found in the possession of any person convicted of an offence under this Regulation, may be confiscated to Government by an order to be passed at the time of conviction by the Magistrate.

Arrest of persons crossing Inner Line.

6. The Chief Executive Officer of any District comprised in any notification as aforesaid may, subject to the approval of the local Government, authorize, by a written instrument under his hand, any public servant to arrest and bring before him with the least practicable delay—

firstly, any person prohibited from crossing "The Inner Line" prescribed for such District, if such person shall be found beyond the line, and when asked to produce his pass shall refuse or be unable so to do:

secondly, any person to whom a pass may have been granted, and who has committed any infraction of its conditions.

Acquisition of interest in land.

7. It shall not be lawful for any British subject or other person, not being a Native of the Districts comprised in the preamble of this Regulation, to acquire any interest in land or the product of land beyond the said "Inner Line" without the sanction of the local Government or such officer as the local Government shall appoint in this behalf. Any interest so acquired may be dealt with as the local Government or its said officer shall direct. The local Government may also, by notification in the *Calcutta Gazette*, extend the prohibition contained in this section to any class of persons, natives of the said Districts, and may from time to time in like manner cancel or vary such extension.

Penalty for unlawfully killing or capturing wild elephants.

8. Whoever, without the written permission of an officer authorized by the local Government to grant such permission, kills or captures, or attempts to kill or capture, or abets, within the meaning of the Indian Penal Code, the killing or capturing of, a wild elephant in any of the Districts to which this Regulation extends, shall be liable to a fine not exceeding Rupees 200 for every such elephant, and any elephant so killed or captured shall be confiscated to Government: Provided that no person who kills, or attempts to kill, or abets the killing of, an elephant in protection of himself, his houses, or his crops, shall be liable to punishment under this section; and provided also that every person who in the like case captures, or attempts to capture, or abets the capture of, an elephant, shall be exempt from fine under this section, but shall, if the elephant be captured, be bound to surrender it to Government, or to pay such royalty thereon as the local Government may from time to time direct.

Rules for licenses to kill or capture elephants.

9. It shall be competent for the local Government to make rules for the issue of licenses to kill or capture elephants, and for all purposes connected with the capture of elephants.

Limitation of prosecutions.

10. The prosecution for every offence punishable under section eight of this Regulation shall be commenced within six calendar months after the offence is committed.

Offences to be tried by Magistrates of first or second class and to be bailable.

11. Offences against this Regulation may be tried by Magistrates of the first or second class, and shall be bailable.

REGULATION No. II OF 1875.

A Regulation to amend the law relating to Prisons in the territories under the administration of the Chief Commissioner of Assam.

(*Published in the Gazette of India of 1st May* 1875, *p.* 207, *and in the Assam Gazette of* 15*th May* 1875, *p.* 283)

Preamble.

WHEREAS the Secretary of State for India in Council has, by Resolution in Council, declared the provisions of the thirty-third of Victoria, chapter three, section one, to be applicable to the territories under the administration of the Chief Commissioner of Assam;

and whereas the Chief Commissioner of Assam has proposed to the Governor-General in Council a draft of the following Regulation for the peace and government of the said territories, together with the reasons for proposing the same;

and whereas the Governor-General in Council has taken such draft and reasons into consideration, and has approved of such draft, and the same has received the Governor-General's assent:

the following Regulation is now published in the *Gazette of India*, and will be published in the *Assam Gazette*, and will thereupon have the force of law:—

Repeal of Acts.

1. On and from the 1st June 1875, the Acts of the Lieutenant-Governor of Bengal in Council, No. II of 1864 and No. V of 1865, shall be repealed throughout the said territories, but not so as to revive any enactment repealed by either of the said Acts, or to affect anything done, or any offence committed, or any fine or penalty incurred, or any proceedings commenced before the said date.

Act XXVI of 1870 to be in force.

2. On and from the same date, the Prisons' Act, XXVI of 1870, shall be in force throughout the said territories.

Inspector-General.

3. Until the appointment of an Inspector-General, his powers under Act XXVI of 1870 shall be exercised by the Chief Commissioner.

Short title.

4. This Regulation may be called "The Assam Prisons' Regulation, 1875."

REGULATION No. III OF 1875.

A Regulation to authorize the punishment of whipping in certain Hill Districts of Assam.

(*Published in the Gazette of India of* 28*th August* 1875, *p.* 429, *and in the Assam Gazette of* 11*th September* 1875, *p.* 497.)

Preamble.

WHEREAS by Resolutions passed by the Secretary of State for India in Council on the 19th day of September 1872 and 4th day of June 1874, respectively, the provisions of the thirty-third of Victoria, chapter three, section one, were declared applicable to the territories under the administration of the Chief Commissioner of Assam;

and whereas the Chief Commissioner of Assam has proposed to the Governor-General in Council a draft of the following Regulation, together with the reasons for proposing the same;

and whereas the Governor-General in Council has taken such draft and reasons into consideration, and has approved of such draft, and the same has received the Governor-General's assent:

In pursuance of the direction contained in the said section, the said Regulation is now published in the *Gazette of India*, and will be published in the *Assam Gazette*.

Short title.

1. This Regulation may be called "The Assam Hill Districts Whipping Regulation, 1875."

Local extent.

It extends to the following districts, namely,—

The Gáro Hills,
The Khási and Jaintiá Hills, and
The Nága Hills:

Commencement.

And it shall come into force on the day of its publication in the *Assam Gazette.*

Offences punishable with whipping in lieu of other punishment.

2. Whoever commits any of the following offences may be punished with whipping in lieu of any punishment to which he may for such offence be liable under the Rules made by the Governor-General in Council in exercise of the power conferred by section five of the Gáro Hills Act, 1869:—

a.—Theft, as defined in section 378 of the Indian Penal Code.

b.—Theft in a building, tent or vessel, as defined in section 380 of the said Code.

c.—Theft by a clerk or servant, as defined in section 381 of the said Code.

d.—Theft after preparation for causing death or hurt, as defined in section 382 of the said Code.

e.—Extortion by threat, as defined in section 388 of the said Code.

f.—Putting a person in fear of accusation in order to commit extortion, as defined in section 389 of the said Code.

g.—Dishonestly receiving stolen property, as defined in section 411 of the said Code

h.—Dishonestly receiving property stolen in the commission of a dacoity, as defined in section 412 of the said Code.

i.—Lurking house-trespass or house-breaking as defined in sections 443 and 445 of the said Code, in order to the committing of any offence punishable with whipping under this section.

j.—Lurking house-trespass by night or house-breaking by night, as defined in sections 444 and 446 of the said Code, in order to the committing of any offence punishable with whipping under this section.

On second conviction of any offence mentioned in last section, whipping may be substituted for or added to other punishment.

3. Whoever, having been previously convicted of any one of the offences specified in the last preceding section, shall again be convicted of the same offence, or of any other of the said offences, may be punished with whipping in lieu of, or in addition to, any other punishment to which he may be liable under the said Rules.

On second conviction of any offence mentioned in this section, whipping may be added to other punishment.

4. Whoever, having been previously convicted of any one of the following offences, shall be again convicted of the same offence, or of any other of the following offences, may be punished with whipping in addition to any other punishment to which he may be liable under the said Rules, that is to say:—

a.—Giving or fabricating false evidence in such manner as to be punishable under section 193 of the Indian Penal Code.

b.—Giving or fabricating false evidence with intent to procure conviction of a capital offence, as defined in section 194 of the said Code.

c.—Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation or imprisonment, as defined in section 195 of the said Code.

d.—Falsely charging any person with having committed an unnatural offence, as defined in sections 211 and 377 of the said Code.

e.—Assaulting or using criminal force to any woman with intent to outrage her modesty, as defined in section 354 of the said Code.

f.—Rape, as defined in section 375 of the said Code.

g.—Unnatural offences, as defined in section 377 of the said Code.

h.—Robbery or dacoity, as defined in sections 390 and 391 of the said Code.

i.—Attempting to commit robbery, as defined in section 393 of the said Code.

j.—Voluntarily causing hurt in committing robbery, as defined in section 394 of the said Code.

k.—Habitually receiving or dealing in stolen property, as defined in section 413 of the said Code.

l.—Forgery, as defined in section 463 of the said Code.

m.—Forgery of a document, as defined in section 466 of the said Code.

n.—Forgery of a document, as defined in section 467 of the said Code.

o.—Forgery for the purpose of cheating, as defined in section 468 of the said Code.

p.—Forgery for the purpose of harming the reputation of any person, as defined in section 469 of the said Code.

q.—Lurking house-trespass or house-breaking, as defined in sections 443 and 445 of the said Code, in order to the committing of any offence punishable with whipping under this section.

r.—Lurking house-trespass by night, or house-breaking by night, as defined in sections 444 and 446 of the said Code, in order to the committing of any offence punishable with whipping under this section.

Juvenile offenders punishable with whipping for offences not punishable with death.

5. Any juvenile offender who commits any offence which is not by the said Rules punishable with death, may, whether for a first or any other offence, be punished with whipping in lieu of any other punishment to which he may for such offence be liable under the said Rules.

Exemption of females, &c.

6. No female shall be punished with whipping, nor shall any person who may be sentenced to death, or to imprisonment for more than five years, be punished with whipping.

Officers empowered to pass sentences of whipping.

7. The Deputy Commissioners of the Gáro Hills and the Khási and Jaintiá Hills and the Political Agent for the Nága Hills may pass sentences of whipping.

No other officer shall pass such sentences unless he is specially empowered to do so by the Chief Commissioner.

Mode of inflicting the punishment.

8. In the case of a person of or over sixteen years of age, the punishment of whipping shall be inflicted with such instrument, in such mode, and on such part of the person, as the Chief Commissioner directs; and, in the case of a person under sixteen years of age, it shall be inflicted in the way of school discipline with a light ratan.

In no case, if the cat-of-nine-tails be the instrument employed, shall the punishment of whipping exceed one hundred and fifty lashes, or if the ratan be employed, shall the punishment exceed thirty stripes.

The punishment shall be inflicted in the presence of a Magistrate or a Superintendent of a Jail, and also, unless the Court which passed the sentence otherwise orders, in the presence of a Medical Officer.

Punishment not to be inflitted if offender not in fit state of health.

9. No sentence of whipping shall be carried into execution unless a Medical Officer, if present, certifies, or, if there is not a Medical Officer present, unless it appears to the Magistrate or Superintendent present, that the offender is in a fit state of health to undergo the punishment.

Stay of execution.

If, during the execution of a sentence of whipping, a Medical Officer certifies, or it appears to the Magistrate or Superintendent present, that the offender is not in a fit state of health to undergo the remainder of the punishment, the whipping shall be finally stopped.

Not to be executed by instalments.

No sentence of whipping shall be executed by instalments.

Procedure if punishment cannot be inflicted under the last section.

10. In any case in which, under section nine of this Regulation, a sentence of whipping is, wholly or partially, prevented from being carried into execution, the offender shall be kept in custody till the Court which passed the sentence can revise it; and the said Court may, at its discretion, either order the discharge of such offender, or sentence him, in lieu of whipping, or in lieu of so much of the sentence of whipping as was not carried out, to imprisonment for any period, which may be in addition to any other punishment to which he may have been sentenced for the same offence:

Provided that the whole period of imprisonment to which such offender is sentenced shall not exceed that to which he is liable by law, or that which the said Court is competent to award.

REGULATION No. IV OF 1875.

A Regulation for the realization of arrears in Government Estates in certain Districts of Assam.

(*Published in the Gazette of India of* 16*th October* 1875, *p.* 530, *and in the Assam Gazette of* 30*th October* 1875, *p.* 559.)

Preamble.

WHEREAS it is expedient to amend Bengal Act No. VII of 1868 (*to make further provision for the recovery of arrears of Land Revenue and public demands recoverable as arrears of Land Revenue*), and to provide for the summary realization of arrears of revenue or rent due from ryots and other persons holding non-transferable interests in land in estates managed by the Government in the Districts of Sylhet and Goálpára; It is enacted as follows:—

Local extent.

1. This Regulation extends only to the Districts of Sylhet and Goálpára:

Commencement.

And it shall come into force on being published in the *Gazette of India* and in the *Assam Gazette* as required by the thirty-third of Victoria, Chapter 3, section 1.

Addition to section 1 of Bengal Act VII of 1868.

2. To section one of the said Act No. VII of 1868, the following clauses shall be added, (namely),—

"Any arrears of revenue or rent payable to the Government from any ryot, or from any person holding any interest in land, pasturage, forest rights, fisheries, and the like, which, by the terms of the contract creating the same, or by the custom of the country, is not transferable.

"Any arrears of rent payable to a Collector in charge of an estate or tenure on behalf of a private person from any ryot, or from any person holding any interest in land, pasturage, forest rights, fisheries, and the like, direct from such Collector."

REGULATION No. I OF 1876.

A Regulation for the peace and government of the Gáro Hills District.

(*Published in the Gazette of India of 4th March* 1876, *p.* 121, *and in the Assam Gazette of* 11*th March* 1876, *p.* 157.)

Preamble.

WHEREAS it is expedient to repeal Regulation No. V of 1873 (*A Regulation for the peace and government of certain districts on the Eastern Frontier of Bengal*) in the Gáro Hills District, and to provide for the peace and government of the said district in the manner hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Regulation may be called "The Gáro Hills Regulation, 1876."

Local extent.

It extends only to the Gáro Hills District.

Commencement and continuance.

It shall come into operation on the first day of April 1876, and shall continue in force to the 31st day of March 1881, inclusive:

Provided that before the expiration of the said period, the Chief Commissioner may, with the previous sanction of the Governor-General in Council, by notification in the *Assam Gazette*, extend its operation to a further period to be specified in the said notification.

Repeal of Regulation V of 1873.

2. On and from the day first mentioned, the said Regulation No. V of 1873 shall be repealed, but not so as to affect anything done, or any offence committed, or any fine or penalty incurred, or any proceedings commenced, prior to that day.

Power to the Chief Commissioner—

3. The Chief Commissioner may from time to time, with the previous sanction of the Governor-General in Council, by notification in the *Assam Gazette*,—

to prohibit certain acts;

(*a*) prohibit all or any persons not being Natives of the Gáro Hills District, from doing any of the following acts within the limits of the said district without a license, that is to say,—

cutting wood,
hunting animals,
trading in arms or ammunition,
collecting wax, ivory, India-rubber or other jungle products,
practising inoculation for the small-pox, and

to regulate the granting of licenses to do such acts.

(*b*) prescribe the conditions and restrictions subject to which, and the amount of the fees on payment of which, and the persons by whom licenses to do any of the said acts may be granted.

Penalties for offences against section 3.

4. Any person who does any act in contravention of a notification issued under section three of this Regulation,

and any holder of a license under the said section who does any act in contravention of a restriction or condition imposed by such license,

shall be punished for a first offence with a fine not exceeding one hundred rupees, and for each subsequent offence with imprisonment of either description for a term which may extend to three months, or with a fine not exceeding five hundred rupees, or with both;

and the Magistrate by whom he is convicted may further order that all animals or carcases of animals, all arms and ammunition, and all wood, wax, ivory, India-rubber or other jungle product found in his possession, and all animals,

BENGAL SECRETARIAT

ropes, nets guns or other instruments used by him in the commission of such offence shall be confiscated.

Acquisition of interests in land prohibited.

5. It shall not be lawful for any British subject or other person not being a Native of the Gáro Hills District, to acquire any interest in land or the product of land within the limits of the said district without the sanction of the Chief Commissioner, or of such officer as the Chief Commissioner may appoint in this behalf.

Any interest so acquired may be dealt with as the Chief Commissioner or the said officer may direct.

The Chief Commissioner may, from time to time by notification in the *Assam Gazette*, extend the prohibition contained in this section to any class of persons, Natives of the said district, and may from time to time in like manner cancel or vary such extension.

Elephant hunting prohibited.

6. Whoever, without the written permission of an officer authorized by the Chief Commissioner to grant such permission, kills or captures, or attempts to kill or capture, or abets, within the meaning of the Indian Penal Code, the killing or capturing of a wild elephant in the said district, shall be liable to a fine not exceeding two hundred rupees for every such elephant, and any elephant so killed or captured shall be confiscated to Government:

Provided that no person who kills or attempts to kill, or abets the killing of an elephant in protection of himself, his houses or his crops, shall be liable to punishment under this section; and provided also that every person who, in the like case, captures or attempts to capture or abets the capture of an elephant, shall not be liable to fine under this section, but shall, if the elephant be captured, be bound to surrender it to Government, or to pay such royalty thereon as the Chief Commissioner may from time to time direct.

Power to make rules regarding elephant-hunting.

7. The Chief Commissioner may from time to time make rules for the issue of licenses to kill or capture elephants, and for all purposes connected with the capture of elephants.

Limitation in prosecutions under this Regulation.

8. The prosecution for every offence punishable under section six of this Regulation shall be commenced within six calendar months after the offence is committed.

Realization of fines and imprisonment in default of payment.

9. The provisions of sections sixty-four to seventy, both inclusive, of the Indian Penal Code, shall apply to all fines imposed under the authority of this Regulation.

Jurisdiction.

10. The jurisdiction in respect of offences against this Regulation shall be exercised by such officers, and subject to such conditions, as the Chief Commissioner may from time to time, by notification in the *Assam Gazette*, direct.

REGULATION No. IV OF 1877.

A Regulation for extending to the Chief Commissionership of Assam, Chapter 13 of Bengal Act VII of 1873.

(*Published in the Gazette of India of* 15*th December*, 1877, *p.* 725, *and in the Assam Gazette of* 22*nd December*, 1877, *p.* 467.)

Preamble.

WHEREAS it is expedient to authorize the Chief Commissioner of Assam to apply specially the provisions of Chapter 13 of Bengal Act No. VII of 1873 to any particular class of laborers in the territories administered by the Chief Commissioner of Assam, among whom an excessive mortality may have occurred; It is hereby enacted as follows:—

Short title.

1. This Regulation may be called "The Assam Emigration Regulation, 1877."

Local extent.

It extends to the whole of the territories under the administration of the Chief Commissioner of Assam.

Commencement.

And it shall come into force on the date on which it is published in the *Assam Gazette*.

Chapter 13 of Bengal Act VII of 1873 may be extended to certain classes of laborers.

2. The said Chief Commissioner may, by notification in the *Assam Gazette*, extend the provisions of Chapter 13 of the said Act, modified as hereinafter mentioned, to laborers of any particular class, or to laborers imported from any particular place or district.

For the words "Lieutenant-Governor," wherever they occur in section 119 of the said Act, the words "Chief Commissioner of Assam" shall be substituted.